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To: Education;
Appropriations

HOUSE BILL NO. 1134
(As Passed the House)

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

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

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

43 implementation of the statewide testing program, High-Performing
44 or Improving School designation shall be made by the State Board
45 of Education in accordance with the following:

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

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

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

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

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

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

71 (2) Upon designation, Improving and High-Performing Schools
72 shall be eligible to receive an incentive amount to be used for
73 selected school needs, as identified by a vote of all licensed and
74 instructional personnel employed at the school. This incentive
75 amount will include a base amount per school plus an additional
76 amount based on that school's average daily attendance. These
77 incentive funds may be used for specific school needs, including,
78 but not limited to:

79 (a) Funding for unique staff professional development

80 activities. Staff participating in such activities will report to
81 the school and school district about the benefits and lessons
82 learned from such training;

83 (b) Technology needs;

84 (c) Sabbaticals for teachers or administrators, or
85 both, to pursue additional professional development or educational
86 enrichment;

87 (d) Paid professional leave.

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

90 (3) The State Board of Education shall provide special
91 recognition to all schools receiving Improving or High-Performing
92 designation and their school districts. Examples of such
93 recognition include, but are not limited to: public announcements
94 and events; special recognition of students' progress and efforts;
95 certificates of recognition and plaques for teachers, principals,
96 superintendents, support personnel and parents; and media
97 announcements utilizing the services of Mississippi Educational
98 Television.

99 SECTION 2. (1) Upon full implementation of the statewide
100 testing programs developed by the State Board of Education
101 pursuant to Chapter 16, Title 37, Mississippi Code of 1972, the
102 board shall establish for those individual schools failing to meet
103 accreditation standards established under this chapter, a program
104 of development to be complied with in order to receive state
105 funds.

106 (2) Following a thorough analysis of school data each year,
107 the State Department of Education shall identify those schools
108 that are the most deficient in educating students and are in need
109 of improvement. This analysis shall measure the individual school
110 performance by determining if a school met its assigned yearly
111 growth expectation and by determining what percentage of the
112 students in the school are proficient. A school shall be

113 identified as needing assistance and labeled a "School at Risk" if
114 the school: (a) does not meet its growth expectation; and (b) has
115 a percentage of students functioning below grade level, as
116 designated by the State Board of Education.

117 (3) Once a School at Risk has been identified and written
118 notice sent by the State Board of Education by certified mail to
119 both the school principal and the local board of education, the
120 State Board of Education and the State Department of Education
121 shall assign an evaluation team to the school. The evaluation
122 team shall consist of a minimum of five (5) trained members
123 appointed by the department and approved by the State Board of
124 Education from the following categories: (a) school
125 superintendents; (b) school principals; (c) curriculum
126 coordinators; (d) teachers; and (e) local school board members.
127 In addition, the team shall include a community leader and a
128 parent. Optional evaluation team members in specialized areas may
129 be utilized by the State Department of Education if needed. These
130 additional members may include individuals with expertise and
131 knowledge in such areas as vocational-technical education, special
132 education, federal programs and school technology. Evaluation
133 team members shall be independent of the school being evaluated
134 and shall not be employees of the State Department of Education.
135 The team may include retired educators who have met certain
136 standards and have completed all necessary training. All
137 evaluation team members shall be trained, at a minimum, in the
138 following: (a) school accreditation legal requirements; (b) data
139 analysis; (c) curriculum alignment; (d) effective curriculum and
140 instructional strategies; (e) the State Department of Education
141 school improvement plan process; (f) personnel appraisal; (g)
142 effective community involvement; (h) public relations; (i) safe
143 and orderly school climate; (j) policy development and
144 implementation; (k) effective school resource allocation; and (l)
145 effective school management. A team leader shall be chosen by the

146 department for each evaluation team to provide overall guidance to
147 the team. The State Department of Education shall assist each
148 evaluation team by providing administrative and clerical support.

149 (4) An approved evaluation team shall have the following
150 powers and duties:

151 (a) The evaluation team may request any financial
152 documentation that it deems necessary, and the School at Risk,
153 with the assistance and cooperation of the school district central
154 office, shall submit such requested financial information to the
155 evaluation team.

156 (b) The evaluation team shall analyze the School at
157 Risk's data to determine probable areas of weakness before
158 conducting an on-site audit. The evaluation team shall proceed to
159 conduct an on-site audit and shall prepare an evaluation report.
160 If necessary, the evaluation team may request additional
161 individuals in specialty areas to participate as team members in
162 preparing the evaluation. After completing the evaluation of the
163 School at Risk, the team shall prepare and adopt its school
164 evaluation report, which shall be submitted to the State
165 Superintendent of Public Education for review and approval. The
166 school evaluation report shall identify any personnel who were
167 found by the evaluation team to be in need of participation in a
168 professional development plan.

169 (5) Following the approval of the evaluation report by the
170 State Superintendent of Public Education, a representative from
171 the State Department of Education and the evaluation team leader
172 shall present the evaluation report to the principal of the School
173 at Risk and to the superintendent and school board members of the
174 local school district. Following this presentation, the
175 evaluation report shall be presented to the community served by
176 the School at Risk at an advertised public meeting.

177 SECTION 3. (1) Based on the findings of the evaluation
178 report prepared pursuant to Section 2 of House Bill No. 1134, 2000

179 Regular Session, and the results of the public meeting, the State
180 Department of Education and the evaluation team leader shall
181 assist the school principal and other local school officials in
182 the development of a school improvement plan to improve its
183 deficiencies. A local parent advisory committee shall be
184 established by the evaluation team at the school in order to
185 provide input and guidance into the development of the school
186 improvement plan and its evaluation during the implementation
187 period. Local parent-teacher associations or organizations shall
188 have input in the selection of the parent advisory committee.
189 Where no active local parent-teacher group exists, the State
190 Department of Education may request assistance from the
191 Mississippi Parent-Teacher Association in the selection of the
192 local parent advisory committee.

193 (2) The school improvement plan shall be approved by the
194 principal of the School at Risk, the superintendent of the local
195 school district, the local school board and a majority of the
196 teachers of the school, within a time period to be determined by
197 the evaluation team. If the local school and local school board
198 fail to approve the plan, the State Board of Education may approve
199 and implement the plan in the school.

200 (3) The State Department of Education may provide technical
201 assistance to the School at Risk in the implementation of the
202 school improvement plan, including the implementation of any
203 recommended professional development plan, or the department may
204 contract with the institutions of higher learning or other
205 appropriate private entities to provide such technical assistance.
206 The assistance team shall collaborate with school and school
207 district employees in the implementation and monitoring of the
208 school improvement plan and shall report, as appropriate, to the
209 local school board and the local community.

210 SECTION 4. (1) As part of the school improvement plan for a
211 School at Risk, a professional development plan shall be prepared

212 for those school administrators, teachers or other employees who
213 are identified by the evaluation team as needing improvement.

214 (2) (a) If a principal is deemed to be in need of
215 improvement by the evaluation team, a professional development
216 plan shall be developed for the principal regardless of his period
217 of employment at the school. The principal's full participation
218 in the professional development plan shall be required. The plan
219 shall provide professional training in the roles and behaviors of
220 an instructional leader and shall offer training specifically
221 identified for that principal's needs. The principal of a School
222 at Risk also may be assigned mentors who have demonstrated
223 expertise as high-performing principals. Mentors shall make a
224 personal time commitment to this process and may not be evaluators
225 of the principals being mentored. The evaluation team shall
226 continue to evaluate all school personnel during this period,
227 evaluate their professional development plans and recommend
228 personnel decisions to the local school board as appropriate.

229 (b) At the end of the second year, if a school
230 continues to be a School at Risk, the local school board shall
231 initiate one (1) of the following four (4) options concerning the
232 school's principal:

233 (i) Make any necessary adjustments in his
234 professional development plan, and continue a third year of
235 professional development and mentoring; or

236 (ii) Permit the principal to apply for a
237 nonadministrative position for which the principal is licensed, to
238 include appropriate salary reductions; or

239 (iii) Nonrenew the principal's contract for the
240 next school year; or

241 (iv) Dismiss the principal consistent with Section
242 37-9-59.

243 If extenuating circumstances exist, such as the assignment of a
244 principal at a School at Risk for less than two (2) years, other

245 options may be considered, subject to approval by the State Board
246 of Education.

247 (c) At the end of the third year, if a school continues
248 to be a School at Risk and a principal has been at that school for
249 three (3) or more years, the local school board shall dismiss the
250 principal in a manner consistent with Section 37-9-59, and the
251 State Board of Education may initiate the school district
252 conservatorship process authorized under Section 37-17-6.

253 (3) (a) If a teacher is deemed to be in need of
254 professional development by the independent evaluation team, that
255 teacher shall be required to participate in a professional
256 development plan. This plan will provide professional training
257 and will be based on each teacher's specific needs and teaching
258 assignments. The teacher's full participation in the professional
259 development plan shall be required. This process shall be
260 followed by a performance-based evaluation, which shall monitor
261 the teacher's teaching skills and teaching behavior over a period
262 of time. This monitoring shall include announced and unannounced
263 reviews. Additionally, the teacher also may be assigned a mentor
264 who has demonstrated expertise as a high-performing teacher.

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

269 (c) If, after the second year, the teacher fails to
270 perform, his performance and professional development plan shall
271 be reevaluated; and the local school board shall take one (1) of
272 the following four (4) actions:

273 (i) Make any necessary adjustments in the
274 teacher's professional development plan, and develop a
275 professional development plan for the third year; or

276 (ii) Reassign the teacher to a nonteaching
277 position with the appropriate salary reduction; or

278 (iii) Nonrenew the teacher's contract for the next
279 school year; or

280 (iv) Dismiss the teacher, consistent with Section
281 37-9-59.

282 (d) If, after the third year, a teacher does not meet
283 performance expectations, the local school board shall dismiss the
284 teacher in a manner consistent with Section 37-9-59.

285 (4) (a) If the evaluation report reveals a school district
286 central office problem, a superintendent of the school district
287 having a School at Risk shall be required to participate in a
288 professional development plan. Additionally, the superintendent
289 may be assigned mentors who are high-performing superintendents
290 and have demonstrated expertise and knowledge of high-performing
291 schools. The local school board will continue to evaluate the
292 performance of the superintendent and his participation in a
293 professional development plan, making appropriate revisions to the
294 plan as needed.

295 (b) If a school continues to be a School at Risk after
296 a second year, the local school board may take one (1) of the
297 following actions:

298 (i) Impose a cap on the superintendent's salary;
299 or

300 (ii) Make any necessary adjustments to his
301 professional development plan and require his continued
302 participation in a plan.

303 (c) If a school continues to be designated a School at
304 Risk after three (3) years of implementing a school improvement
305 plan, or if more than fifty percent (50%) of the schools within
306 the school district are designated as schools at risk in any one
307 (1) year, the State Board of Education shall issue a written
308 request with documentation to the Governor asking that the office
309 of the superintendent of such school district be subject to
310 recall. Whenever the Governor declares that the office of the

311 superintendent of such school district is subject to recall, the
312 local school board or the county election commission, as the case
313 may be, shall take the following action:

314 (i) If the office of superintendent is an elected
315 office, in those years in which there is no general election, the
316 name shall be submitted by the State Board of Education to the
317 county election commission at least sixty (60) days before the
318 next regular special election, and the county election commission
319 shall submit the question at the next regular special election to
320 the voters eligible to vote for the office of superintendent
321 within the county. The ballot shall read substantially as
322 follows:

323 "Shall County Superintendent of Education _____
324 (here the name of the superintendent shall be inserted) of the
325 _____ (here the title of the school district shall be
326 inserted) be retained in office? Yes _____ No _____"

327 If a majority of those voting on the question votes against
328 retaining the superintendent in office, a vacancy shall exist
329 which shall be filled in the manner provided by law; otherwise,
330 the superintendent shall remain in office for the term of such
331 office, and at the expiration of such term shall be eligible for
332 qualification and election to another term or terms.

333 (ii) If the office of superintendent is an
334 appointive office, the name of the superintendent shall be
335 submitted by the president of the local school board at the next
336 regular meeting of the school board for retention in office or
337 dismissal from office. If a majority of the school board voting
338 on the question votes against retaining him in office, a vacancy
339 shall exist which shall be filled in the manner provided by law;
340 otherwise, the superintendent shall remain in office for the
341 duration of his employment contract.

342 (5) If a school continues to be designated a School at Risk
343 after three (3) years of implementing a school improvement plan,

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

353 (a) If the members of the local school board are
354 elected to office, in those years in which the specific member's
355 office is not up for election, the name of the school board member
356 shall be submitted by the State Board of Education to the county
357 election commission at least sixty (60) days before the next
358 regular special election, and the county election commission at
359 the next regular special election shall submit the question to the
360 voters eligible to vote for the particular member's office within
361 the county or school district, as the case may be. The ballot
362 shall read substantially as follows:

363 "Members of the _____ (here the title of the school
364 district shall be inserted) School Board who are not up for
365 election this year are subject to recall because of the school
366 district's continued designation as a School at Risk. Shall the
367 member of the school board representing this area, _____
368 (here the name of the school board member holding the office shall
369 be inserted), be retained in office? Yes _____ No _____"

370 If a majority of those voting on the question vote against
371 retaining the member of the school board in office, a vacancy in
372 that board member's office shall exist which shall be filled in
373 the manner provided by law; otherwise, the school board member
374 shall remain in office for the term of such office, and at the
375 expiration of the term of office, the member shall be eligible for
376 qualification and election to another term or terms of office.

377 However, if a majority of the school board members are recalled in
378 the regular special election, the Governor shall authorize the
379 board of supervisors of the county in which the school district is
380 situated to appoint members to fill the offices of the members
381 recalled. The board of supervisors shall make such appointments
382 in the manner provided by law for filling vacancies on the school
383 board, and the appointed members shall serve until the office is
384 filled at the next regular special election or general election.

385 (b) If the local school board is an appointed school
386 board, the name of all school board members shall be submitted as
387 a collective board by the president of the municipal or county
388 governing authority, as the case may be, at the next regular
389 meeting of the governing authority for retention in office or
390 dismissal from office. If a majority of the governing authority
391 voting on the question vote against retaining the board in office,
392 a vacancy shall exist in each school board member's office, which
393 shall be filled as provided by law; otherwise, the members of the
394 appointed school board shall remain in office for the duration of
395 their term of appointment, and such members may be reappointed.

396 (c) If the local school board is comprised of both
397 elected and appointed members, the elected members shall be
398 subject to recall in the manner provided in paragraph (a) of this
399 subsection. Appointed members shall be subject to recall in the
400 manner provided in paragraph (b).

401 (6) If a school continues to be designated a School at Risk
402 after three (3) years of implementing a school improvement plan,
403 or if more than fifty percent (50%) of the schools within the
404 school district are designated as schools at risk in any one (1)
405 year, the State Board of Education may request that the Governor
406 declare a state of emergency in that school district. Upon the
407 declaration of the state of emergency by the Governor, the State
408 Board of Education may take those actions for dealing with the
409 school district authorized under Section 37-17-6, including the

410 appointment of an interim conservator.

411 (7) The State Department of Education shall make a
412 semiannual report to the State Board of Education identifying the
413 number and names of schools classified as a School at Risk, which
414 shall include a description of the deficiencies identified and the
415 actions recommended and implemented. The department also shall
416 notify the State Board of Education of any School at Risk that has
417 successfully completed its improvement plan and shall notify the
418 Governor and the Legislature of such school's progress.

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

421 37-9-25. The school board shall have the power and
422 authority, in its discretion, to employ the superintendent, unless
423 such superintendent is elected, for not exceeding four (4)
424 scholastic years and the principals or licensed employees for not
425 exceeding three (3) scholastic years. In such case, contracts
426 shall be entered into with such superintendents, principals and
427 licensed employees for the number of years for which they have
428 been employed. All such contracts with licensed employees shall
429 for the years after the first year thereof be subject to the
430 contingency that the licensed employee may be released if, during
431 the life of the contract, the average daily attendance should
432 decrease from that existing during the previous year and thus
433 necessitate a reduction in the number of licensed employees during
434 any year after the first year of the contract. However, in all
435 such cases the licensed employee must be released before July 1 or
436 at least thirty (30) days prior to the beginning of the school
437 term, whichever date should occur earlier. All contracts with
438 superintendents, principals and licensed teachers shall be subject
439 to the contingency that after the first year of the contract, the
440 superintendent, principal or teacher may be released if, during
441 the life of the contract, the school becomes designated as a
442 School at Risk pursuant to Section 2 of House Bill No. 1134, 2000

443 Regular Session, and the school or school district's deficiencies
444 are not improved as required under House Bill No. 1134, 2000
445 Regular Session. The salary to be paid for the years after the
446 first year of such contract shall be subject to revision, either
447 upward or downward, in the event of an increase or decrease in the
448 funds available for the payment thereof, but, unless such salary
449 is revised prior to the beginning of a school year, it shall
450 remain for such school year at the amount fixed in such contract.

451 However, where school district funds, other than minimum
452 education program funds, are available during the school year in
453 excess of the amount anticipated at the beginning of the school
454 year the salary to be paid for such year may be increased to the
455 extent that such additional funds are available and nothing herein
456 shall be construed to prohibit same.

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

459 37-7-306. (1) Every school board member selected after July
460 1, 2000, shall have a high school diploma or its equivalent.

461 (2) Every school board member selected after July 1, 1993,
462 shall be required to complete a basic course of training and
463 education for local school board members, in order for board
464 members to carry out their duties more effectively and be exposed
465 to new ideas involving school restructuring. Such basic course of
466 training, approved by the State Board of Education, shall be
467 conducted by the School Executive Management Institute of the
468 State Department of Education. Upon completion of the basic
469 course of training, the School Executive Management Institute
470 shall file a certificate of completion for the school board member
471 with the office of the local school board. In the event that a
472 board member fails to complete such training within six (6) months
473 of his selection, or six (6) months from April 15, 1993, such
474 board member shall no longer be qualified to serve and shall be
475 removed from office.

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

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

485 (5) Upon the failure of any local school board member of a
486 school district with a school failing to meet minimum
487 accreditation standards to file with the school board the
488 certificate of completion of the continuing education course of
489 training required under subsection (3) of this section, the school
490 board member shall be removed from office.

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

493 37-17-6. (1) The State Board of Education, acting through
494 the Commission on School Accreditation, shall establish and
495 implement a permanent performance-based accreditation system, and
496 all public elementary and secondary schools shall be accredited
497 under this system.

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

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

507 Number of Students	Number of Certified
508 Per School Library	School Librarians

542 (d) Individual schools shall be held accountable for
543 student growth and performance;

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

547 (f) A determination of which schools exceed their
548 standards and a plan for providing recognition and rewards to such
549 schools;

550 (g) A determination of which schools are failing to
551 meet their standards and a determination of the appropriate role
552 of the State Board of Education and the State Department of
553 Education in providing assistance and initiating possible
554 intervention; and

555 (h) Development of a comprehensive student assessment
556 system to implement these requirements.

557 The State Board of Education may continue to assign school
558 district performance levels by using a number classification and
559 may assign individual school performance levels by using a number
560 classification to be consistent with school district performance
561 levels.

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

565 (6) The State Board of Education shall create an
566 accreditation audit unit under the Commission on School
567 Accreditation to determine whether schools are complying with
568 accreditation standards.

569 (7) The State Board of Education shall be specifically
570 authorized and empowered to withhold adequate minimum education
571 program or adequate education program fund allocations, whichever
572 is applicable, to any public school district for failure to timely
573 report student, school personnel and fiscal data necessary to meet
574 state and/or federal requirements.

575 (8) Deleted.

576 (9) The State Board of Education shall establish, for those
577 school districts failing to meet accreditation standards, a
578 program of development to be complied with in order to receive
579 state funds, except as otherwise provided in subsection (14) of
580 this section when the Governor has declared a state of emergency
581 in a school district or as otherwise provided in Section 206,
582 Mississippi Constitution of 1890. The state board, in
583 establishing these standards, shall provide for notice to schools
584 and sufficient time and aid to enable schools to attempt to meet
585 these standards, unless procedures under subsection (14) of this
586 section have been invoked.

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

590 (a) Develop an impairment report for each district
591 failing to meet accreditation standards in conjunction with school
592 district officials;

593 (b) Notify any applicable school district failing to
594 meet accreditation standards that it is on probation until
595 corrective actions are taken or until the deficiencies have been
596 removed. The local school district shall develop a corrective
597 action plan to improve its deficiencies. For district academic
598 deficiencies, the corrective action plan for each such school
599 district shall be based upon a complete analysis of the following:

600 student test data, student grades, student attendance reports,
601 student drop-out data, existence and other relevant data. The
602 corrective action plan shall describe the specific measures to be
603 taken by the particular school district and school to improve:

604 (a) instruction; (b) curriculum; (c) professional development; (d)
605 personnel and classroom organization; (e) student incentives for
606 performance; (f) process deficiencies; and (g) reporting to the
607 local school board, parents and the community. The corrective

608 action plan shall describe the specific individuals responsible
609 for implementing each component of the recommendation and how each
610 will be evaluated. All corrective action plans shall be provided
611 to the State Board of Education as may be required. The decision
612 of the State Board of Education establishing the probationary
613 period of time shall be final;

614 (c) Offer, during the probationary period, technical
615 assistance to the school district in making corrective actions.
616 Beginning July 1, 1998, subject to the availability of funds, the
617 State Department of Education shall provide technical and/or
618 financial assistance to all such school districts in order to
619 implement each measure identified in that district's corrective
620 action plan through professional development and on-site
621 assistance. Each such school district shall apply for and utilize
622 all available federal funding in order to support its corrective
623 action plan in addition to state funds made available under this
624 paragraph;

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

628 (e) Provide for publication of public notice at least
629 one (1) time during the probationary period, in a newspaper
630 published within the jurisdiction of the school district failing
631 to meet accreditation standards, or if no newspaper is published
632 therein, then in a newspaper having a general circulation therein.
633 The publication shall include the following: declaration of
634 school system's status as being on probation; all details relating
635 to the impairment report, and other information as the State Board
636 of Education deems appropriate. Public notices issued under this
637 section shall be subject to Section 13-3-31 and not contrary to
638 other laws regarding newspaper publication.

639 (11) (a) If the recommendations for corrective action are
640 not taken by the local school district or if the deficiencies are

641 not removed by the end of the probationary period, the Commission
642 on School Accreditation shall conduct a hearing to allow such
643 affected school district to present evidence or other reasons why
644 its accreditation should not be withdrawn. Subsequent to its
645 consideration of the results of such hearing, the Commission on
646 School Accreditation shall be authorized, with the approval of the
647 State Board of Education, to withdraw the accreditation of a
648 public school district, and issue a request to the Governor that a
649 state of emergency be declared in that district.

650 (b) If the State Board of Education and the Commission
651 on School Accreditation determine that an extreme emergency
652 situation exists in a school district which jeopardizes the
653 safety, security or educational interests of the children enrolled
654 in the schools in that district and such emergency situation is
655 believed to be related to a serious violation or violations of
656 accreditation standards or state or federal law, the State Board
657 of Education may request the Governor to declare a state of
658 emergency in that school district. For purposes of this
659 paragraph, such declarations of a state of emergency shall not be
660 limited to those instances when a school district's impairments
661 are related to a lack of financial resources, but also shall
662 include serious failure to meet minimum academic standards, as
663 evidenced by a continued pattern of poor student performance.

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

668 (i) Declare a state of emergency, under which some
669 or all of state funds can be escrowed except as otherwise provided
670 in Section 206, Constitution of 1890, until the board determines
671 corrective actions are being taken or the deficiencies have been
672 removed, or that the needs of students warrant the release of
673 funds. Such funds may be released from escrow for any program

674 which the board determines to have been restored to standard even
675 though the state of emergency may not as yet be terminated for the
676 district as a whole;

677 (ii) Override any decision of the local school
678 board or superintendent of education, or both, concerning the
679 management and operation of the school district, or initiate and
680 make decisions concerning the management and operation of the
681 school district;

682 (iii) Assign an interim conservator who will have
683 those powers and duties prescribed in subsection (14) of this
684 section;

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

689 (v) For states of emergency declared under
690 paragraph (a) only, if the accreditation deficiencies are related
691 to the fact that the school district is too small, with too few
692 resources, to meet the required standards and if another school
693 district is willing to accept those students, abolish that
694 district and assign that territory to another school district or
695 districts. If the school district has proposed a voluntary
696 consolidation with another school district or districts, then if
697 the State Board of Education finds that it is in the best interest
698 of the pupils of the district for such consolidation to proceed,
699 the voluntary consolidation shall have priority over any such
700 assignment of territory by the State Board of Education;

701 (vi) For states of emergency declared under
702 paragraph (b) only, reduce local supplements paid to school
703 district employees, including, but not limited to, instructional
704 personnel, assistant teachers and extracurricular activities
705 personnel, if the district's impairment is related to a lack of
706 financial resources, but only to an extent which will result in

707 the salaries being comparable to districts similarly situated, as
708 determined by the State Board of Education;

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

712 (d) At such time as satisfactory corrective action has
713 been taken in a school district in which a state of emergency has
714 been declared, the State Board of Education may request the
715 Governor to declare that the state of emergency no longer exists
716 in the district.

717 (12) Upon the declaration of a state of emergency in a
718 school district under subsection (11) of this section, the
719 Commission on School Accreditation shall be responsible for public
720 notice at least once a week for at least three (3) consecutive
721 weeks in a newspaper published within the jurisdiction of the
722 school district failing to meet accreditation standards, or if no
723 newspaper is published therein, then in a newspaper having a
724 general circulation therein. The size of such notice shall be no
725 smaller than one-fourth (1/4) of a standard newspaper page and
726 shall be printed in bold print. If a conservator has been
727 appointed for the school district, such notice shall begin as
728 follows: "By authority of Section 37-17-6, Mississippi Code of
729 1972, as amended, adopted by the Mississippi Legislature during
730 the 1991 Regular Session, this school district (name of school
731 district) is hereby placed under the jurisdiction of the State
732 Department of Education acting through its appointed conservator
733 (name of conservator)."

734 The notice also shall include, in the discretion of the State
735 Board of Education, any or all details relating to the school
736 district's emergency status, including the declaration of a state
737 of emergency in the school district and a description of the
738 district's impairment deficiencies, conditions of any
739 conservatorship and corrective actions recommended and being

740 taken. Public notices issued under this section shall be subject
741 to Section 13-3-31 and not contrary to other laws regarding
742 newspaper publication.

743 Upon termination of the state of emergency in a school
744 district, the Commission on School Accreditation shall cause
745 notice to be published in the school district in the same manner
746 provided in this section, to include any or all details relating
747 to the corrective action taken in the school district which
748 resulted in the termination of the state of emergency.

749 (13) The State Board of Education or the Commission on
750 School Accreditation shall have the authority to require school
751 districts to produce the necessary reports, correspondence,
752 financial statements, and any other documents and information
753 necessary to fulfill the requirements of this section.

754 Nothing in this section shall be construed to grant any
755 individual, corporation, board or conservator the authority to
756 levy taxes except in accordance with presently existing statutory
757 provisions.

758 (14) (a) Whenever the Governor declares a state of
759 emergency in a school district in response to a request made under
760 subsection (11) of this section, the State Board of Education, in
761 its discretion, may assign an interim conservator to the school
762 district who will be responsible for the administration,
763 management and operation of the school district, including, but
764 not limited to, the following activities:

765 (i) Approving or disapproving all financial
766 obligations of the district, including, but not limited to, the
767 employment, termination, nonrenewal and reassignment of all
768 certified and noncertified personnel, contractual agreements and
769 purchase orders, and approving or disapproving all claim dockets
770 and the issuance of checks; in approving or disapproving
771 employment contracts of superintendents, assistant superintendents
772 or principals, the interim conservator shall not be required to

773 comply with the time limitations prescribed in Sections 37-9-15
774 and 37-9-105;

775 (ii) Supervising the day-to-day activities of the
776 district's staff, including reassigning the duties and
777 responsibilities of personnel in a manner which, in the
778 determination of the conservator, will best suit the needs of the
779 district;

780 (iii) Reviewing the district's total financial
781 obligations and operations and making recommendations to the
782 district for cost savings, including, but not limited to,
783 reassigning the duties and responsibilities of staff;

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

786 (v) Approving or disapproving all athletic, band
787 and other extracurricular activities and any matters related to
788 those activities;

789 (vi) Maintaining a detailed account of
790 recommendations made to the district and actions taken in response
791 to those recommendations;

792 (vii) Reporting periodically to the State Board of
793 Education on the progress or lack of progress being made in the
794 district to improve the district's impairments during the state of
795 emergency; and

796 (viii) Appointing a parent advisory committee,
797 comprised of parents of students in the school district, which may
798 make recommendations to the conservator concerning the
799 administration, management and operation of the school district.

800 Except when, in the determination of the State Board of
801 Education, the school district's impairment is related to a lack
802 of financial resources, the cost of the salary of the conservator
803 and any other actual and necessary costs related to the
804 conservatorship paid by the State Department of Education shall be
805 reimbursed by the local school district from nonminimum program

806 funds. The department shall submit an itemized statement to the
807 superintendent of the local school district for reimbursement
808 purposes, and any unpaid balance may be withheld from the
809 district's minimum or adequate education program funds.

810 At such time as the Governor, pursuant to the request of the
811 State Board of Education, declares that the state of emergency no
812 longer exists in a school district, the powers and
813 responsibilities of the interim conservator assigned to such
814 district shall cease.

815 (b) In order to provide loans to school districts under
816 a state of emergency which have impairments related to a lack of
817 financial resources, the School District Emergency Assistance Fund
818 is created as a special fund in the State Treasury into which
819 monies may be transferred or appropriated by the Legislature from
820 any available public education funds. The maximum amount that may
821 be appropriated or transferred to the School District Emergency
822 Assistance Fund for any one (1) emergency shall be Two Million
823 Dollars (\$2,000,000.00), and the maximum amount that may be
824 appropriated during any fiscal year shall be Three Million Dollars
825 (\$3,000,000.00).

826 The State Board of Education may loan monies from the School
827 District Emergency Assistance Fund to a school district that is
828 under a state of emergency in such amounts, as determined by the
829 board, which are necessary to correct the district's impairments
830 related to a lack of financial resources. The loans shall be
831 evidenced by an agreement between the school district and the
832 State Board of Education and shall be repayable in principal,
833 without necessity of interest, to the State General Fund or the
834 Education Enhancement Fund, depending on the source of funding for
835 such loan, by the school district from any allowable funds that
836 are available. The total amount loaned to the district shall be
837 due and payable within five (5) years after the impairments
838 related to a lack of financial resources are corrected. If a

839 school district fails to make payments on the loan in accordance
840 with the terms of the agreement between the district and the State
841 Board of Education, the State Department of Education, in
842 accordance with rules and regulations established by the State
843 Board of Education, may withhold that district's minimum program
844 funds in an amount and manner that will effectuate repayment
845 consistent with the terms of the agreement; such funds withheld by
846 the department shall be deposited into the State General Fund or
847 the Education Enhancement Fund, as the case may be.

848 If the State Board of Education determines that an extreme
849 emergency exists, simultaneous with the powers exercised in this
850 subsection, it shall take immediate action against all parties
851 responsible for the affected school districts having been
852 determined to be in an extreme emergency. Such action shall
853 include, but not be limited to, initiating civil actions to
854 recover funds and criminal actions to account for criminal
855 activity. Any funds recovered by the State Auditor or the State
856 Board of Education from the surety bonds of school officials or
857 from any civil action brought under this subsection shall be
858 applied toward the repayment of any loan made to a school district
859 hereunder.

860 (15) In the event a majority of the membership of the school
861 board of any school district resigns from office, the State Board
862 of Education shall be authorized to assign an interim conservator,
863 who shall be responsible for the administration, management and
864 operation of the school district until such time as new board
865 members are selected or the Governor declares a state of emergency
866 in that school district under subsection (11), whichever occurs
867 first. In such case, the State Board of Education, acting through
868 the interim conservator, shall have all powers which were held by
869 the previously existing school board, and may take such action as
870 prescribed in Section 37-17-13 and/or one or more of the actions
871 authorized in this section.

872 (16) Beginning with the school district audits conducted for
873 the 1997-1998 fiscal year, the State Board of Education, acting
874 through the Commission on School Accreditation, shall require each
875 school district to comply with standards established by the State
876 Department of Audit for the verification of fixed assets and the
877 auditing of fixed assets records as a minimum requirement for
878 accreditation.

879 * * *

880 SECTION 8. The Attorney General of the State of Mississippi
881 shall submit Sections 4 and 6 of this act, immediately upon
882 approval by the Governor, or upon approval by the Legislature
883 subsequent to a veto, to the Attorney General of the United States
884 or to the United States District Court for the District of
885 Columbia in accordance with the provisions of the Voting Rights
886 Act of 1965, as amended and extended.

887 SECTION 9. Sections 1 through 3, 5, 7 and 8 of this act
888 shall take effect and be in force from and after July 1, 2000.
889 Sections 4 and 6 of this act shall take effect and be in force
890 from and after July 1, 2000, if they are effectuated on or before
891 that date under Section 5 of the Voting Rights Act of 1965, as
892 amended and extended. If Sections 4 and 6 of this act are
893 effectuated under Section 5 of the Voting Rights Act of 1965, as
894 amended and extended, after July 1, 2000, such sections shall take
895 effect and be in force from and after the date they are
896 effectuated under Section 5 of the Voting Rights Act of 1965, as
897 amended and extended.