

By: Harden

To: Education;
Appropriations

SENATE BILL NO. 2307

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

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

10 SECTION 1. Section 37-17-6, Mississippi Code of 1972, is
11 amended as follows:[RDD1]

12 37-17-6. (1) In order to assist the work of the Commission
13 on School Accreditation in the implementation of school
14 accreditation, there is hereby established within the State
15 Department of Education a School Assessment Task Force to be
16 composed of seventeen (17) qualified members. The task force
17 shall consist of the following membership, to be appointed by the
18 Governor on or before July 1, 2000, with three (3) members to be
19 appointed from each congressional district and two (2) members to
20 be appointed from the state at large: two (2) classroom teachers,
21 two (2) school administrators, one (1) representative of public
22 junior colleges, one (1) representative of institutions of higher
23 learning, one (1) representative of the Commission on School
24 Accreditation, two (2) local school board members, one (1)

25 representative of the State Superintendent of Education and seven
26 (7) lay persons. The task force shall be appointed by the
27 Governor and shall become effective July 1, 2000. The Governor
28 shall designate one (1) of the members of the task force as its
29 chairman. The first meeting of the task force shall be called by
30 the Governor as soon after July 1, 2000, as practical. Thereafter
31 the task force shall meet when called by its chairman, but in no
32 event less than one (1) time per month. Members of the task force
33 shall be compensated at a rate of per diem as authorized by
34 Section 25-3-69 and be reimbursed for actual and necessary
35 expenses as authorized by Section 25-3-41.

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

42 (3) It shall be the duty of the task force to undertake a
43 study and to propose a plan to establish guidelines and criteria
44 for a revised school accreditation system and to report to the
45 Commission on School Accreditation on or before July 1, 2001, on
46 such a study and plan, and it shall further be the duty of the
47 task force to conduct a study and to make recommendations to the
48 State Board of Education through the Commission on School
49 Accreditation concerning curriculum and courses of study to be
50 used in the public schools that are best designed to prepare the
51 state's children and youth to be productive, informed and creative
52 citizens, workers and leaders. Such a study and plan should take
53 into account, but not necessarily be limited to, the following
54 factors relating to school accreditation:

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

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

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

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

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

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

66 (g) The nature and quality of feedback given to
67 students about their level of performance and the amount of
68 reinforcement given to learning;

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

71 (i) Classroom decorum, discipline and management;

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

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

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

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

82 (n) The coordination of curriculum throughout the
83 system so that teachers know what has been taught in previous

84 grades and what will be taught in subsequent grades.

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

87 (5) The task force is to be disbanded by the State Board of
88 Education on or before July 1, 2001, upon the filing of the report
89 of the task force.

90 (6) Once the task force has made its report to the
91 Commission on School Accreditation, the State Board of Education,
92 acting through the Commission on School Accreditation, shall
93 develop by July 1, 2001, a revised accreditation system, based on
94 said report of the task force for use in accrediting schools in
95 the state. To ensure that a workable system is adopted, the State
96 Department of Education, through the Commission on School
97 Accreditation, shall undertake a two-year field testing and
98 implementation period of the proposed accreditation system.

99 (7) No later than June 30, 1995, the State Board of
100 Education, acting through the Commission on School Accreditation,
101 shall require school districts to provide school classroom space
102 that is air conditioned as a minimum requirement for
103 accreditation.

104 (8) (a) Beginning with the 1994-1995 school year, the State
105 Board of Education, acting through the Commission on School
106 Accreditation, shall require that school districts employ
107 certified school librarians according to the following formula:

108	Number of Students	Number of Certified
109	Per School Library	School Librarians
110	0 - 499 Students	½ Full-time Equivalent
111		Certified Librarian

140 accreditation standards.

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

147 * * *

148 (12) The State Board of Education shall establish, for those
149 school districts failing to meet accreditation standards, a
150 program of development to be complied with in order to receive
151 state funds, except as otherwise provided in subsection (17) of
152 this section when the Governor has declared a state of emergency
153 in a school district or as otherwise provided in Section 206,
154 Mississippi Constitution of 1890. The state board, in
155 establishing these standards, shall provide for notice to schools
156 and sufficient time and aid to enable schools to attempt to meet
157 these standards, unless procedures under subsection (17) of this
158 section have been invoked.

159 (13) Beginning July 1, 1998, the State Board of Education
160 shall be charged with the implementation of the program of
161 development in each applicable school district as follows:

162 (a) Develop an impairment report for each district
163 failing to meet accreditation standards in conjunction with school
164 district officials;

165 (b) Notify any applicable school district failing to
166 meet accreditation standards that it is on probation until
167 corrective actions are taken or until the deficiencies have been

168 removed. The local school district shall develop a corrective
169 action plan to improve its deficiencies. For district academic
170 deficiencies, the corrective action plan for each such school
171 district shall be based upon a complete analysis of the following:
172 student test data, student grades, student attendance reports,
173 student drop-out data, existence and other relevant data. The
174 corrective action plan shall describe the specific measures to be
175 taken by the particular school district and school to improve:
176 (a) instruction; (b) curriculum; (c) professional development; (d)
177 personnel and classroom organization; (e) student incentives for
178 performance; (f) process deficiencies; and (g) reporting to the
179 local school board, parents and the community. The corrective
180 action plan shall describe the specific individuals responsible
181 for implementing each component of the recommendation and how each
182 will be evaluated. All corrective action plans shall be provided
183 to the State Board of Education as may be required. The decision
184 of the State Board of Education establishing the probationary
185 period of time shall be final;

186 (c) Offer, during the probationary period, technical
187 assistance to the school district in making corrective actions.
188 Beginning July 1, 1998, subject to the availability of funds, the
189 State Department of Education shall provide technical and/or
190 financial assistance to all such school districts in order to
191 implement each measure identified in that district's corrective
192 action plan through professional development and on-site
193 assistance. Each such school district shall apply for and utilize
194 all available federal funding in order to support its corrective
195 action plan in addition to state funds made available under this

196 paragraph;

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

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

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

211 (14) (a) If the recommendations for corrective action are
212 not taken by the local school district or if the deficiencies are
213 not removed by the end of the probationary period, the Commission
214 on School Accreditation shall conduct a hearing to allow such
215 affected school district to present evidence or other reasons why
216 its accreditation should not be withdrawn. Subsequent to its
217 consideration of the results of such hearing, the Commission on
218 School Accreditation shall be authorized, with the approval of the
219 State Board of Education, to withdraw the accreditation of a
220 public school district, and issue a request to the Governor that a
221 state of emergency be declared in that district.

222 (b) If the State Board of Education and the Commission
223 on School Accreditation determine that an extreme emergency

224 situation exists in a school district which jeopardizes the
225 safety, security or educational interests of the children enrolled
226 in the schools in that district and such emergency situation is
227 believed to be related to a serious violation or violations of
228 accreditation standards or state or federal law, the State Board
229 of Education may request the Governor to declare a state of
230 emergency in that school district. For purposes of this
231 paragraph, such declarations of a state of emergency shall not be
232 limited to those instances when a school district's impairments
233 are related to a lack of financial resources, but also shall
234 include serious failure to meet minimum academic standards, as
235 evidenced by a continued pattern of poor student performance.

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

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

249 (ii) Override any decision of the local school
250 board or superintendent of education, or both, concerning the
251 management and operation of the school district, or initiate and

252 make decisions concerning the management and operation of the
253 school district;

254 (iii) Assign an interim conservator who will have
255 those powers and duties prescribed in subsection (14) of this
256 section;

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

261 (v) For states of emergency declared under
262 paragraph (a) only, if the accreditation deficiencies are related
263 to the fact that the school district is too small, with too few
264 resources, to meet the required standards and if another school
265 district is willing to accept those students, abolish that
266 district and assign that territory to another school district or
267 districts. If the school district has proposed a voluntary
268 consolidation with another school district or districts, then if
269 the State Board of Education finds that it is in the best interest
270 of the pupils of the district for such consolidation to proceed,
271 the voluntary consolidation shall have priority over any such
272 assignment of territory by the State Board of Education;

273 (vi) For states of emergency declared under
274 paragraph (b) only, reduce local supplements paid to school
275 district employees, including, but not limited to, instructional
276 personnel, assistant teachers and extracurricular activities
277 personnel, if the district's impairment is related to a lack of
278 financial resources, but only to an extent which will result in
279 the salaries being comparable to districts similarly situated, as

280 determined by the State Board of Education;

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

284 (d) At such time as satisfactory corrective action has
285 been taken in a school district in which a state of emergency has
286 been declared, the State Board of Education may request the
287 Governor to declare that the state of emergency no longer exists
288 in the district.

289 (15) Upon the declaration of a state of emergency in a
290 school district under subsection (14) of this section, the
291 Commission on School Accreditation shall be responsible for public
292 notice at least once a week for at least three (3) consecutive
293 weeks in a newspaper published within the jurisdiction of the
294 school district failing to meet accreditation standards, or if no
295 newspaper is published therein, then in a newspaper having a
296 general circulation therein. The size of such notice shall be no
297 smaller than one-fourth (1/4) of a standard newspaper page and
298 shall be printed in bold print. If a conservator has been
299 appointed for the school district, such notice shall begin as
300 follows: "By authority of Section 37-17-6, Mississippi Code of
301 1972, as amended, adopted by the Mississippi Legislature during
302 the 1991 Regular Session, this school district (name of school
303 district) is hereby placed under the jurisdiction of the State
304 Department of Education acting through its appointed conservator
305 (name of conservator)."

306 The notice also shall include, in the discretion of the State
307 Board of Education, any or all details relating to the school

308 district's emergency status, including the declaration of a state
309 of emergency in the school district and a description of the
310 district's impairment deficiencies, conditions of any
311 conservatorship and corrective actions recommended and being
312 taken. Public notices issued under this section shall be subject
313 to Section 13-3-31 and not contrary to other laws regarding
314 newspaper publication.

315 Upon termination of the state of emergency in a school
316 district, the Commission on School Accreditation shall cause
317 notice to be published in the school district in the same manner
318 provided in this section, to include any or all details relating
319 to the corrective action taken in the school district which
320 resulted in the termination of the state of emergency.

321 (16) The State Board of Education or the Commission on
322 School Accreditation shall have the authority to require school
323 districts to produce the necessary reports, correspondence,
324 financial statements, and any other documents and information
325 necessary to fulfill the requirements of this section.

326 Nothing in this section shall be construed to grant any
327 individual, corporation, board or conservator the authority to
328 levy taxes except in accordance with presently existing statutory
329 provisions.

330 (17) (a) Whenever the Governor declares a state of
331 emergency in a school district in response to a request made under
332 subsection (14) of this section, the State Board of Education, in
333 its discretion, may assign an interim conservator to the school
334 district who will be responsible for the administration,
335 management and operation of the school district, including, but

336 not limited to, the following activities:

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

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

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

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

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

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

364 (vii) Reporting periodically to the State Board of
365 Education on the progress or lack of progress being made in the
366 district to improve the district's impairments during the state of
367 emergency; and

368 (viii) Appointing a parent advisory committee,
369 comprised of parents of students in the school district, which may
370 make recommendations to the conservator concerning the
371 administration, management and operation of the school district.

372 Except when, in the determination of the State Board of
373 Education, the school district's impairment is related to a lack
374 of financial resources, the cost of the salary of the conservator
375 and any other actual and necessary costs related to the
376 conservatorship paid by the State Department of Education shall be
377 reimbursed by the local school district from nonminimum program
378 funds. The department shall submit an itemized statement to the
379 superintendent of the local school district for reimbursement
380 purposes, and any unpaid balance may be withheld from the
381 district's minimum or adequate education program funds.

382 At such time as the Governor, pursuant to the request of the
383 State Board of Education, declares that the state of emergency no
384 longer exists in a school district, the powers and
385 responsibilities of the interim conservator assigned to such
386 district shall cease.

387 (b) In order to provide loans to school districts under
388 a state of emergency which have impairments related to a lack of
389 financial resources, the School District Emergency Assistance Fund
390 is created as a special fund in the State Treasury into which
391 monies may be transferred or appropriated by the Legislature from

392 any available public education funds. The maximum amount that may
393 be appropriated or transferred to the School District Emergency
394 Assistance Fund for any one (1) emergency shall be Two Million
395 Dollars (\$2,000,000.00), and the maximum amount that may be
396 appropriated during any fiscal year shall be Three Million Dollars
397 (\$3,000,000.00).

398 The State Board of Education may loan monies from the School
399 District Emergency Assistance Fund to a school district that is
400 under a state of emergency in such amounts, as determined by the
401 board, which are necessary to correct the district's impairments
402 related to a lack of financial resources. The loans shall be
403 evidenced by an agreement between the school district and the
404 State Board of Education and shall be repayable in principal,
405 without necessity of interest, to the State General Fund or the
406 Education Enhancement Fund, depending on the source of funding for
407 such loan, by the school district from any allowable funds that
408 are available. The total amount loaned to the district shall be
409 due and payable within five (5) years after the impairments
410 related to a lack of financial resources are corrected. If a
411 school district fails to make payments on the loan in accordance
412 with the terms of the agreement between the district and the State
413 Board of Education, the State Department of Education, in
414 accordance with rules and regulations established by the State
415 Board of Education, may withhold that district's minimum program
416 funds in an amount and manner that will effectuate repayment
417 consistent with the terms of the agreement; such funds withheld by
418 the department shall be deposited into the State General Fund or
419 the Education Enhancement Fund, as the case may be.

420 If the State Board of Education determines that an extreme
421 emergency exists, simultaneous with the powers exercised in this
422 subsection, it shall take immediate action against all parties
423 responsible for the affected school districts having been
424 determined to be in an extreme emergency. Such action shall
425 include, but not be limited to, initiating civil actions to
426 recover funds and criminal actions to account for criminal
427 activity. Any funds recovered by the State Auditor or the State
428 Board of Education from the surety bonds of school officials or
429 from any civil action brought under this subsection shall be
430 applied toward the repayment of any loan made to a school district
431 hereunder.

432 (18) In the event a majority of the membership of the school
433 board of any school district resigns from office, the State Board
434 of Education shall be authorized to assign an interim conservator,
435 who shall be responsible for the administration, management and
436 operation of the school district until such time as new board
437 members are selected or the Governor declares a state of emergency
438 in that school district under subsection (14), whichever occurs
439 first. In such case, the State Board of Education, acting through
440 the interim conservator, shall have all powers which were held by
441 the previously existing school board, and may take such action as
442 prescribed in Section 37-17-13 and/or one or more of the actions
443 authorized in this section.

444 (19) Beginning with the school district audits conducted for
445 the 1997-1998 fiscal year, the State Board of Education, acting
446 through the Commission on School Accreditation, shall require each
447 school district to comply with standards established by the State

448 Department of Audit for the verification of fixed assets and the
449 auditing of fixed assets records as a minimum requirement for
450 accreditation.

451 (20) Before December 1, 1999, the State Board of Education
452 shall recommend a program to the Education Committees of the House
453 of Representatives and the Senate for identifying and rewarding
454 public schools that improve or are high-performing. The program
455 shall be described by the board in a written report, which shall
456 include criteria and a process through which improving schools and
457 high-performing schools will be identified and rewarded.

458 The State Superintendent of Education and the State Board of
459 Education also shall develop a comprehensive accountability plan
460 to ensure that local school boards, superintendents, principals
461 and teachers are held accountable for student achievement. A
462 written report on the accountability plan shall be submitted to
463 the Education Committees of both houses of the Legislature before
464 December 1, 1999, with any necessary legislative recommendations.

465 SECTION 2. This act shall take effect and be in force from
466 and after July 1, 2000.