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To: Education;
AppropriationsCOMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2488

1 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ESTABLISH
2 AND IMPLEMENT A SUPERIOR-PERFORMING AND EXEMPLARY SCHOOLS PROGRAM
3 FOR IDENTIFYING AND GRANTING FINANCIAL INCENTIVES TO LOW
4 PERFORMING SCHOOLS THAT IMPROVE AND TO THE HIGHEST PERFORMING
5 SCHOOLS IN THEIR CLASSIFICATION; TO ESTABLISH CRITERIA FOR THIS
6 PROGRAM SUBJECT TO SPECIFIC APPROPRIATION BY THE LEGISLATURE; TO
7 AUTHORIZE THE STATE BOARD OF EDUCATION TO DEVELOP A SCHOOL
8 IMPROVEMENT PROGRAM AND A PROBATIONARY PERIOD FOR SCHOOLS WITH
9 ACCREDITATION DEFICIENCIES, TO BE DESIGNATED AS "PRIORITY
10 SCHOOLS," TO PROVIDE FOR AN EVALUATION PROCESS, TO PROVIDE FOR THE
11 IDENTIFICATION AND TRAINING OF INDEPENDENT EVALUATION TEAM MEMBERS
12 AND TO PROVIDE SCHOOL EVALUATION PROCEDURES FOR THE EVALUATION
13 TEAMS; TO PROVIDE FOR THE DEVELOPMENT OF SCHOOL IMPROVEMENT PLANS
14 FOR PRIORITY SCHOOLS AND TO PROVIDE FOR THE APPOINTMENT OF
15 ASSISTANCE TEAMS BY THE STATE DEPARTMENT OF EDUCATION; TO
16 AUTHORIZE THE PRIORITY SCHOOL IMPROVEMENT PROCESS TO INCLUDE
17 MANDATORY PROFESSIONAL DEVELOPMENT FOR INDIVIDUAL PRINCIPALS,
18 TEACHERS AND SUPERINTENDENTS OF SUCH SCHOOLS AND TO PROVIDE
19 EMPLOYMENT SANCTIONS FOR PRINCIPALS OR TEACHERS WHO FAIL TO
20 PARTICIPATE IN SUCH PROFESSIONAL DEVELOPMENT, TO PROVIDE FOR A
21 PERFORMANCE-BASED EVALUATION OF SUCH PRINCIPALS AND TEACHERS WHO
22 HAVE PARTICIPATED IN SUCH PROFESSIONAL DEVELOPMENT, TO PROVIDE FOR
23 RECALL ELECTIONS OR APPOINTMENT DECISIONS FOR SUPERINTENDENTS OR
24 SCHOOL BOARD MEMBERS IN CERTAIN SITUATIONS WHERE PRIORITY SCHOOLS
25 DO NOT IMPROVE DEFICIENCIES, AND TO REQUIRE CERTAIN REPORTS BY THE
26 STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION 37-9-25,
27 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
28 37-7-306, MISSISSIPPI CODE OF 1972, TO REQUIRE ALL LOCAL SCHOOL
29 BOARD MEMBERS SELECTED AFTER JULY 1, 2004, TO HAVE A HIGH SCHOOL
30 DIPLOMA OR ITS EQUIVALENT; AND FOR RELATED PURPOSES.

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

32 SECTION 1. (1) The State Board of Education shall
33 establish, design and implement a Superior-Performing Schools
34 Program and an Exemplary Schools Program for identifying and
35 rewarding public schools that improve. The State Board of
36 Education shall develop rules and regulations for the program,
37 establish criteria, and establish a process through which
38 Superior-Performing and Exemplary Schools will be identified and
39 rewarded. Upon full implementation of the statewide testing
40 program, Superior-Performing or Exemplary School designation shall

41 be made by the State Board of Education in accordance with the
42 following:

43 (a) A growth expectation will be established by testing
44 students annually and, using a psychometrically approved formula,
45 by tracking their progress. This growth expectation will be one
46 (1) of the components which result in a composite score each year
47 for each school, and other components of this score shall include,
48 but are not limited to, student attendance and effort, teacher
49 attendance and certification.

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 a Superior-Performing or an Exemplary
59 School, to 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 Priority School which exceeds its growth expectation by a
66 percentage established by the State Board of Education shall no
67 longer be considered a Priority School and shall be eligible for
68 monetary awards under this section. Superior-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) Superior-Performing and Exemplary Schools may apply to
72 the State Board of Education for monetary incentives to be used
73 for selected school needs, as identified by a vote of all licensed
74 and instructional personnel employed at the school. These
75 incentive funds may be used for specific school needs, including,
76 but not limited to:

77 (a) Funding for unique staff professional development

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

81 (b) Technology needs;

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

85 (d) Paid professional leave.

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

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

97 SECTION 2. (1) Upon full implementation of the statewide
98 testing programs developed by the State Board of Education
99 pursuant to Chapter 16, Title 37, Mississippi Code of 1972, not
100 later than July, 2002, the board shall establish for those
101 individual schools failing to meet accreditation standards
102 established under this chapter, a program of development to be
103 complied with in order to receive state funds.

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

111 identified as needing assistance or a Priority School if the
112 school: (a) does not meet its growth expectation; and (b) has a
113 percentage of students functioning below grade level, as
114 designated by the State Board of Education.

115 (3) Within fifteen (15) days after a Priority School has
116 been identified, written notice shall be sent by the State Board
117 of Education by certified mail to both the school principal and
118 the local board of education. Within fifteen (15) days after
119 notification the State Board of Education shall assign an
120 evaluation team to the school. The evaluation team shall consist
121 of a minimum of seven (7) trained members appointed by the State
122 Superintendent of Education and approved by the State Board of
123 Education from the following categories: (a) school
124 superintendents; (b) school principals; (c) curriculum
125 coordinators; (d) at least two (2) teachers; (e) local school
126 board members; (f) community leaders; (g) parents; and (h)
127 institutions of higher learning personnel. Optional evaluation
128 team members in specialized areas may be utilized by the State
129 Department of Education if needed. These additional members may
130 include individuals with expertise and knowledge in such areas as
131 vocational-technical education, special education, federal
132 programs and school technology. Evaluation team members shall be
133 independent of the school being evaluated and shall not be
134 employees of the State Department of Education. The team may
135 include retired educators who have met certain standards and have
136 completed all necessary training. All evaluation team members
137 shall be trained, at a minimum, in the following: (a) school
138 accreditation legal requirements; (b) data analysis; (c)
139 curriculum alignment; (d) effective curriculum and instructional
140 strategies; (e) the State Department of Education school
141 improvement plan process; (f) personnel appraisal; (g) effective
142 community involvement; (h) public relations; (i) safe and orderly
143 school climate; (j) policy development and implementation; (k)

144 effective school resource allocation; and (1) effective school
145 management. A team leader shall be chosen by the department for
146 each evaluation team to provide overall guidance to the team. The
147 State Department of Education shall assist each evaluation team by
148 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 Priority School,
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 Priority
157 Schools' 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 Priority School, the team shall prepare and adopt its school
164 evaluation report, which shall be submitted to the State
165 Superintendent of Public Education for approval within forty-five
166 (45) calendar days. The school evaluation report shall identify
167 any personnel who were found by the evaluation team to be in need
168 of improvement and need to participate in a professional
169 development plan. Evaluation instruments will be developed and
170 field tested by the State Department of Education at least one (1)
171 year prior to implementation.

172 (5) Following the approval of the evaluation report by the
173 State Superintendent of Public Education, a representative from
174 the State Superintendent of Education and the evaluation team
175 leader shall present the evaluation report to the principal of the
176 Priority School and to the superintendent and school board members

177 of the local school district. Following this presentation, the
178 evaluation report shall be presented to the community served by
179 the Priority School at an advertised public meeting.

180 SECTION 3. (1) Based on the findings of the evaluation
181 report and the results of the public meeting, the State Department
182 of Education and the evaluation team leader shall assist the
183 school principal and other local school officials in the
184 development of a school improvement plan to improve its
185 deficiencies. A local parent advisory committee shall be
186 established by the evaluation team at the school in order to
187 provide input and guidance into the development of the school
188 improvement plan and its evaluation during the implementation
189 period. Local parent-teacher associations or organizations shall
190 have input in the selection of the parent advisory committee.
191 Where no active local parent-teacher group exists, the State
192 Department of Education may request assistance from the
193 Mississippi Parent-Teacher Association and other community-based
194 organizations in the selection of the local parent advisory
195 committee.

196 (2) The school improvement plan shall be developed and
197 approved by the principal of the Priority School, the
198 superintendent of the local school district, the local school
199 board and a majority of the teachers of the school, within
200 forty-five (45) days.

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

210 SECTION 4. (1) As part of the school improvement plan for a
211 Priority School, 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. The principal's full
217 participation in the professional development plan shall be
218 required as a condition of continued employment. The plan shall
219 provide professional training in the roles and behaviors of an
220 instructional leader and shall offer training specifically
221 identified for that principal's needs. The principal of a
222 Priority School may be assigned mentors who have demonstrated
223 expertise as a high-performing principal. Mentors shall make a
224 personal time commitment to this process and may not be evaluators
225 of the principals being mentored. The local school board and
226 superintendent shall continue to evaluate all school personnel
227 during this period, evaluate their professional development plans
228 and make personnel decisions as appropriate.

229 (b) At the end of the second year, if a school
230 continues to be a Priority School, the local school board shall
231 dismiss the principal consistent with the provisions of Section
232 37-9-59. If extenuating circumstances exist, such as the
233 assignment of a principal at a Priority School for less than two
234 (2) years, other options may be considered subject to approval by
235 the State Board of Education.

236 (3) (a) If a teacher is deemed to be in need of
237 professional development by the independent evaluation team, that
238 teacher shall be required to participate in a professional
239 development plan. This plan will provide professional training
240 and will be based on each teacher's specific needs and teaching
241 assignments and shall commence no later than thirty (30) days
242 after being identified. The teacher's full participation in the

243 professional development plan shall be required as a condition of
244 continued employment. This process shall be followed by a
245 performance-based evaluation, which shall monitor the teacher's
246 teaching skills and teaching behavior over a period of time. This
247 monitoring shall include announced and unannounced reviews.
248 Evaluation instruments will be developed and field tested by the
249 State Department of Education prior to implementation of this
250 evaluation. Additionally, the teacher may also be assigned a
251 mentor who has demonstrated expertise as a high-performing
252 teacher.

253 (b) If, after one year, the teacher fails to perform,
254 the local school board shall re-evaluate the teacher's
255 professional development plan, make any necessary adjustments to
256 it, and require his participation in the plan for a second year.

257 (c) If, after the second year, the teacher fails to
258 perform, the local school board shall dismiss the teacher,
259 consistent with the provisions of Section 37-9-59.

260 (4) (a) If the evaluation report reveals a school district
261 central office problem, a superintendent of the school district
262 having a Priority School shall be required to participate in a
263 professional development plan. Additionally, the superintendent
264 may be assigned mentors who are high-performing superintendents
265 and have demonstrated expertise and knowledge of
266 Superior-Performing Schools. The local school board shall
267 continue to evaluate the performance of the superintendent and his
268 participation in a professional development plan, making
269 appropriate revisions to the plan as needed. The local school
270 board shall continue to evaluate all school personnel during this
271 period, and make personnel decisions as appropriate.

272 (b) If a school continues to be a Priority School after
273 a second year, the local school board may (i) impose a cap on the
274 superintendent's salary, or (ii) make any necessary adjustments to
275 his professional development plan, and require his continued

276 participation in a plan.

277 (c) In the event a school continues to be designated a
278 Priority School after three (3) years of implementing a school
279 improvement plan the State Board of Education shall, or in the
280 event that more than fifty percent (50%) of the schools within the
281 school district are designated as Priority Schools in any one (1)
282 year the State Board of Education may, issue a written request
283 with documentation to the Governor that the office of the
284 superintendent of such school district shall be subject to recall.

285 Whenever the Governor declares that the office of superintendent
286 of such school district shall be subject to recall, the local
287 school board or the county election commission, as the case may
288 be, shall take the following action:

289 (i) If the office of superintendent is an elected
290 office, in those years in which there is no general election, the
291 name shall be submitted by the State Board of Education to the
292 county election commission at least sixty (60) days before the
293 next regular special election, and the county election commission
294 shall submit the question at the next regular special election to
295 the voters eligible to vote for the office of superintendent
296 within the county. The ballot shall read substantially as
297 follows:

298 "Shall County Superintendent of Education _____
299 (here the name of the superintendent shall be inserted) of the
300 _____ (here the title of the school district shall be
301 inserted) be retained in office? Yes _____ No _____"

302 If a majority of those voting on the question votes against
303 retaining the superintendent in office, a vacancy shall exist
304 which shall be filled in the manner provided by law; otherwise,
305 the superintendent shall remain in office for the term of such
306 office, and at the expiration of such term shall be eligible for
307 qualification and election to another term or terms.

308 (ii) If the office of superintendent is an

309 appointive office, the name of the superintendent shall be
310 submitted by the president of the local school board at the next
311 regular meeting of the school board for retention in office or
312 dismissal from office. If a majority of the school board voting
313 on the question vote against retaining him in office, a vacancy
314 shall exist which shall be filled as provided by law, otherwise
315 the superintendent shall remain in office for the duration of his
316 employment contract.

317 (5) In the event a school continues to be designated a
318 Priority School after four (4) years of implementing a school
319 improvement plan the State Board of Education shall, or in the
320 event that more than fifty percent (50%) of the schools within the
321 school district are designated as Priority Schools in any one (1)
322 year the State Board of Education may, issue a written request
323 with documentation to the Governor that the membership of the
324 school board of such school district shall be subject to recall.
325 Whenever the Governor declares that the membership of the school
326 board shall be subject to recall, the county election commission
327 or the local governing authorities, as the case may be, shall take
328 the following action:

329 (a) If the members of the local school board are
330 elected to office, in those years in which the specific member's
331 office is not up for election, the name of the school board member
332 shall be submitted by the State Board of Education to the county
333 election commission at least sixty (60) days before the next
334 regular special election, and the county election commission at
335 the next regular special election shall submit the question to the
336 voters eligible to vote for the particular member's office within
337 the county or school district, as the case may be. The ballot
338 shall read substantially as follows:

339 "Members of the _____ (here the title of the school
340 district shall be inserted) School Board who are not up for
341 election this year are subject to recall because of the school

342 district's continued designation as a Priority School. Shall the
343 member of the school board representing this area, _____
344 (here the name of the school board member holding the office shall
345 be inserted), be retained in office? Yes _____ No _____"

346 If a majority of those voting on the question vote against
347 retaining the member of the school board in office, a vacancy in
348 that board member's office shall exist which shall be filled in
349 the manner provided by law; otherwise, the school board member
350 shall remain in office for the term of such office, and at the
351 expiration of the term of office, the member shall be eligible for
352 qualification and election to another term or terms of office.
353 However, if a majority of the school board members are recalled in
354 the regular special election, the Governor shall authorize the
355 board of supervisors of the county in which the school district is
356 situated to appoint members to fill the offices of the members
357 recalled. The board of supervisors shall make such appointments
358 in the manner provided by law for filling vacancies on the school
359 board, and the appointed members shall serve until the office is
360 filled at the next regular special election or general election.

361 (b) If the local school board is an appointed school
362 board, the name of all school board members shall be submitted as
363 a collective board by the president of the municipal or county
364 governing authority, as the case may be, at the next regular
365 meeting of the governing authority for retention in office or
366 dismissal from office. If a majority of the governing authority
367 voting on the question vote against retaining the board in office,
368 a vacancy shall exist in each school board member's office, which
369 shall be filled as provided by law; otherwise, the members of the
370 appointed school board shall remain in office for the duration of
371 their term of appointment, and such members may be reappointed.

372 (c) If the local school board is comprised of both
373 elected and appointed members, the elected members shall be
374 subject to recall in the manner provided in paragraph (a) of this

375 subsection. Appointed members shall be subject to recall in the
376 manner provided in paragraph (b).

377 (6) In the event a school continues to be designated a
378 Priority School after three (3) years of implementing a school
379 improvement plan, or in the event that more than fifty percent
380 (50%) of the schools within the school district are designated as
381 Priority Schools in any one (1) year, the State Board of Education
382 may request that the Governor declare a state of emergency in that
383 school district. Upon the declaration of the state of emergency
384 by the Governor, the State Board of Education may take all such
385 action for dealing with school districts as is authorized under
386 subsections (11) or (14) of Section 37-17-6, including the
387 appointment of an interim conservator.

388 (7) The State Department of Education shall make a
389 semiannual report to the State Board of Education identifying the
390 number and names of schools classified as a Priority Schools,
391 which shall include a description of the deficiencies identified
392 and the actions recommended and implemented. The department shall
393 also notify the State Board of Education of any Priority School
394 which has successfully completed their improvement plans and shall
395 notify the Governor and the Legislature of such school's progress.

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

398 37-9-25. The school board shall have the power and
399 authority, in its discretion, to employ the superintendent, unless
400 such superintendent is elected, for not exceeding four (4)
401 scholastic years and the principals or licensed employees for not
402 exceeding three (3) scholastic years. In such case, contracts
403 shall be entered into with such superintendents, principals and
404 licensed employees for the number of years for which they have
405 been employed. All such contracts with licensed employees shall
406 for the years after the first year thereof be subject to the
407 contingency that the licensed employee may be released if, during

408 the life of the contract, the average daily attendance should
409 decrease from that existing during the previous year and thus
410 necessitate a reduction in the number of licensed employees during
411 any year after the first year of the contract. However, in all
412 such cases the licensed employee must be released before July 1 or
413 at least thirty (30) days prior to the beginning of the school
414 term, whichever date should occur earlier. All such contracts
415 with superintendents, principals or licensed teachers shall for
416 the years after the first year thereof be subject to the
417 contingency that the superintendent, principal or teacher may be
418 released if, during the life of the contract, the school becomes
419 designated as a Priority School pursuant to the provisions of
420 Section 37-17-6(17), Mississippi Code of 1972, and the school or
421 school district's deficiencies are not improved as required in
422 said provision. The salary to be paid for the years after the
423 first year of such contract shall be subject to revision, either
424 upward or downward, in the event of an increase or decrease in the
425 funds available for the payment thereof, but, unless such salary
426 is revised prior to the beginning of a school year, it shall
427 remain for such school year at the amount fixed in such contract.

428 However, where school district funds, other than minimum
429 education program funds, are available during the school year in
430 excess of the amount anticipated at the beginning of the school
431 year the salary to be paid for such year may be increased to the
432 extent that such additional funds are available and nothing herein
433 shall be construed to prohibit same.

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

436 37-7-306. (1) Every school board member selected after July
437 1, 2004, shall have a high school diploma or its equivalent.

438 (2) Every school board member selected after July 1, 1993,
439 shall be required to complete a basic course of training and
440 education for local school board members, in order for board

441 members to carry out their duties more effectively and be exposed
442 to new ideas involving school restructuring. Such basic course of
443 training, approved by the State Board of Education, shall be
444 conducted by the School Executive Management Institute of the
445 State Department of Education. Upon completion of the basic
446 course of training, the School Executive Management Institute
447 shall file a certificate of completion for the school board member
448 with the office of the local school board. In the event that a
449 board member fails to complete such training within six (6) months
450 of his selection, or six (6) months from April 15, 1993, such
451 board member shall no longer be qualified to serve and shall be
452 removed from office.

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

458 (4) Every school board member selected after July 1, 2004
459 shall complete a course for substitute teachers and teach at least
460 one (1) full day in a school in the district they represent,
461 without compensation.

462 (5) Upon the failure of any local school board member to
463 file with the school board the certificate of completion of the
464 basic course of training as provided in subsection (2) of this
465 section, the school board member shall be removed from office.

466 SECTION 7. The Attorney General of the State of Mississippi
467 shall submit Sections 4 and 6 of this act, immediately upon
468 approval by the Governor, or upon approval by the Legislature
469 subsequent to a veto, to the Attorney General of the United States
470 or to the United States District Court for the District of
471 Columbia in accordance with the provisions of the Voting Rights
472 Act of 1965, as amended and extended.

473 SECTION 8. This act shall take effect and be in force from

474 and after July 1, 2000; provided that Sections 4 and 6 shall take
475 effect and be in force from and after the date it is effectuated
476 under Section 5 of the Voting Rights Act of 1965, as amended and
477 extended.