

By: Harden, Farris, Chaney

To: Education;  
Appropriations

SENATE BILL NO. 2488  
(As Sent to Governor)

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 37-7-306,  
27 MISSISSIPPI CODE OF 1972, TO REQUIRE ALL LOCAL SCHOOL BOARD  
28 MEMBERS SELECTED AFTER JULY 1, 2002, TO HAVE A HIGH SCHOOL DIPLOMA  
29 OR ITS EQUIVALENT; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF  
30 1972, TO PROVIDE FOR ANNUAL REPORTS ON AN INTERIM CONSERVATOR  
31 AFTER THREE YEARS IN A SCHOOL DISTRICT IF THE SCHOOL DOES NOT  
32 DEMONSTRATE SUBSTANTIAL INSTRUCTIONAL IMPROVEMENT; TO REPEAL  
33 SECTIONS 1 THROUGH 7 AND 11 OF HOUSE BILL NO. 1134, 2000 REGULAR  
34 SESSION, WHICH ESTABLISHED AN INCENTIVE GRANT PROGRAM FOR  
35 IMPROVING SCHOOLS AND AN ACCOUNTABILITY PROGRAM FOR LOW-PERFORMING  
36 SCHOOLS; TO AMEND SECTION 12 OF HOUSE BILL NO. 1134, 2000 REGULAR  
37 SESSION, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

39        SECTION 1. (1) The State Board of Education shall  
40 establish, design and implement a Superior-Performing Schools  
41 Program and an Exemplary Schools Program for identifying and  
42 rewarding public schools that improve. The State Board of  
43 Education shall develop rules and regulations for the program,

44 establish criteria, and establish a process through which  
45 Superior-Performing and Exemplary Schools will be identified and  
46 rewarded. Upon full implementation of the statewide testing  
47 program, Superior-Performing, Exemplary or Priority School  
48 designation shall be made by the State Board of Education in  
49 accordance with the following:

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

54 (b) A determination will be made as to the percentage  
55 of students proficient in each school. This measurement will  
56 define what a student must know in order to be deemed proficient  
57 at each grade level and will clearly show how well a student is  
58 performing. The definition of proficiency shall be developed for  
59 each grade, based on a demonstrated range of performance in  
60 relation to content as reflected in the Mississippi Curriculum  
61 Frameworks. This range of performance must be established through  
62 a formal procedure including educators, parents, community leaders  
63 and other stakeholders.

64 (c) A school has the following two (2) methods for  
65 designation as either a Superior-Performing or an Exemplary  
66 School, to be determined on an annual basis:

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

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

71 Any school designated as a Priority School which exceeds its  
72 growth expectation by a percentage established by the State Board  
73 of Education shall no longer be considered a Priority School and  
74 shall be eligible for monetary awards under this section.

75 (2) Superior-Performing and Exemplary Schools may apply to  
76 the State Board of Education for monetary incentives to be used  
77 for selected school needs, as identified by a vote of all licensed  
78 and instructional personnel employed at the school. These  
79 incentive funds may be used for specific school needs, including,  
80 but not limited to:

81 (a) Funding for professional development activities.  
82 Staff participating in such activities will report to the school  
83 and school district about the benefits and lessons learned from  
84 such training;

85 (b) Technology needs;

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

89 (d) Paid professional leave;

90 (e) Training for parents, including, but not limited  
91 to, the following:

92 (i) Curriculum;

93 (ii) Chapter 1;

94 (iii) Special need students;

95 (iv) Student rights and responsibility;

96 (v) School and community relations;

97 (vi) Effective parenting.

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

100 (3) The State Board of Education shall provide special  
101 recognition to all schools receiving Superior-Performing or  
102 Exemplary designation and their school districts. Examples of  
103 such recognition include, but are not limited to: public  
104 announcements and events; special recognition of student progress  
105 and effort; certificates of recognition and plaques for teachers,  
106 principals, superintendents, support and classified personnel and  
107 parents; and media announcements utilizing the services of  
108 Mississippi Educational Television.

109 SECTION 2. (1) Upon full implementation of the statewide  
110 testing programs developed by the State Board of Education  
111 pursuant to Chapter 16, Title 37, Mississippi Code of 1972, not  
112 later than December 31, 2002, the board shall establish for those  
113 individual schools failing to meet accreditation standards

114 established under this chapter, a program of development to be  
115 complied with in order to receive state funds.

116 (2) Following a thorough analysis of school data each year,  
117 the State Department of Education shall identify those schools  
118 that are deficient in educating students and are in need of  
119 improvement. This analysis shall measure the individual school  
120 performance by determining if a school met its assigned yearly  
121 growth expectation and by determining what percentage of the  
122 students in the school are proficient. A school shall be  
123 identified as needing assistance or a Priority School if the  
124 school: (a) does not meet its growth expectation; and (b) has a  
125 percentage of students functioning below grade level, as  
126 designated by the State Board of Education.

127 (3) Within fifteen (15) days after a Priority School has  
128 been identified, written notice shall be sent by the State Board  
129 of Education by certified mail to both the school principal and  
130 the local board of education. Within fifteen (15) days after  
131 notification the State Board of Education shall assign an  
132 evaluation team to the school. The evaluation team shall consist  
133 of a minimum of seven (7) trained members appointed by the State  
134 Superintendent of Education and approved by the State Board of  
135 Education from the following categories: (a) school  
136 superintendents; (b) school principals; (c) curriculum  
137 coordinators; (d) at least two (2) teachers; (e) local school  
138 board members; (f) community leaders; (g) parents; and (h)  
139 institutions of higher learning personnel. Optional evaluation  
140 team members in specialized areas may be utilized by the State  
141 Department of Education if needed. These additional members may  
142 include individuals with expertise and knowledge in such areas as  
143 vocational-technical education, special education, federal  
144 programs and school technology. Evaluation team members shall be  
145 independent of the school being evaluated and shall not be  
146 employees of the State Department of Education. The team may

147 include retired educators who have met certain standards and have  
148 completed all necessary training. All evaluation team members  
149 shall be trained, at a minimum, in the following: (a) school  
150 accreditation legal requirements; (b) data analysis; (c)  
151 curriculum alignment; (d) effective curriculum and instructional  
152 strategies; (e) the State Department of Education school  
153 improvement plan process; (f) personnel appraisal; (g) effective  
154 community involvement; (h) public relations; (i) safe and orderly  
155 school climate; (j) policy development and implementation; (k)  
156 effective school resource allocation; and (l) effective school  
157 management. A team leader shall be chosen by the department for  
158 each evaluation team to provide overall guidance to the team. The  
159 State Department of Education shall assist each evaluation team by  
160 providing administrative and clerical support.

161 (4) An approved evaluation team shall have the following  
162 powers and duties:

163 (a) The evaluation team may request any financial  
164 documentation that it deems necessary, and the Priority School,  
165 with the assistance and cooperation of the school district central  
166 office, shall submit such requested financial information to the  
167 evaluation team.

168 (b) The evaluation team shall analyze the Priority  
169 Schools' data to determine probable areas of weakness before  
170 conducting an on-site audit. The evaluation team shall proceed to  
171 conduct an on-site audit and shall prepare an evaluation report.  
172 If necessary, the evaluation team may request additional  
173 individuals in specialty areas to participate as team members in  
174 preparing the evaluation. After completing the evaluation of the  
175 Priority School, the team shall prepare and adopt its school  
176 evaluation report, which shall be submitted to the State  
177 Superintendent of Public Education for approval within forty-five  
178 (45) calendar days. The school evaluation report shall identify  
179 any personnel who were found by the evaluation team to be in need

180 of improvement and need to participate in a professional  
181 development plan. Evaluation instruments used to evaluate  
182 teachers, principals, superintendents or any other certified or  
183 classified personnel will be instruments which have been validated  
184 for such purposes.

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

193 SECTION 3. (1) Based on the findings of the evaluation  
194 report and the results of the public meeting, the State Department  
195 of Education and the evaluation team leader shall assist the  
196 school principal and other local school officials in the  
197 development of a school improvement plan to improve its  
198 deficiencies. A local parents/citizens advisory council shall be  
199 established by the evaluation team at the school in order to  
200 provide input and guidance into the development of the school  
201 improvement plan and its evaluation during the implementation  
202 period. Local parent-teacher associations and other  
203 community-based organizations shall have input in the selection of  
204 the parents/citizens advisory council. Where no active local  
205 parent-teacher group exists, the State Department of Education may  
206 request assistance from the Mississippi Parent-Teacher Association  
207 and other community-based organizations in the selection of the  
208 local parents/citizens advisory council. The local  
209 parents/citizens advisory council shall consist of representatives  
210 from each of the following local groups: (a) five (5)  
211 representatives of the local PTA, PTSA or other parent  
212 organization, (b) two (2) local elected officials or community

213 activist, (c) two (2) students, (d) two (2) local business  
214 leaders. Persons who are employed by the local school district  
215 are not eligible for membership on the parents/citizens advisory  
216 council.

217 (2) The school improvement plan shall be developed and  
218 approved by the principal of the Priority School, the  
219 superintendent of the local school district, the local school  
220 board and a majority of the teachers of the school, within a time  
221 period to be determined by the evaluation team. If the plan is  
222 not approved, the State Board of Education may approve and  
223 implement the plan in the school.

224 (3) The State Department of Education shall provide  
225 technical assistance and shall assist in identifying funding to  
226 the Priority School in the implementation of the school  
227 improvement plan, including the implementation of any recommended  
228 professional development plan, and the department may contract  
229 with the institutions of higher learning to provide such technical  
230 assistance. The assistance team shall collaborate with school and  
231 school district employees in the implementation and monitoring of  
232 the school improvement plan and the State Department of Education  
233 shall ensure that a report is issued monthly to the local school  
234 board and the local parents/citizens advisory council.

235 SECTION 4. (1) As part of the school improvement plan for a  
236 Priority School, a professional development plan shall be prepared  
237 for those school administrators, teachers or other employees who  
238 are identified by the evaluation team as needing improvement. The  
239 State Department of Education shall assist the Priority School in  
240 identifying funds necessary to fully implement the school  
241 improvement plan.

242 (2) (a) If a principal is deemed to be in need of  
243 improvement by the evaluation team, a professional development  
244 plan shall be developed for the principal, and the principal's  
245 full participation in the professional development plan shall be a

246 condition of continued employment. The plan shall provide  
247 professional training in the roles and behaviors of an  
248 instructional leader and shall offer training specifically  
249 identified for that principal's needs. The principal of a  
250 Priority School may be assigned mentors who have demonstrated  
251 expertise as an exemplary-performing principal. Mentors shall  
252 make a personal time commitment to this process and may not be  
253 evaluators of the principals being mentored. The local school  
254 administration shall continue to monitor and evaluate all school  
255 personnel during this period, evaluate their professional  
256 development plans and make personnel decisions as appropriate.

257 (b) At the end of the second year, if a school  
258 continues to be a Priority School and a principal has been at that  
259 school for three (3) or more years, the administration shall  
260 recommend and the local school board shall dismiss the principal  
261 in a manner consistent with Section 37-9-59, and the State Board  
262 of Education may initiate the school district conservatorship  
263 process authorized under Section 37-17-6. If extenuating  
264 circumstances exist, such as the assignment of a principal at a  
265 Priority School for less than two (2) years, other options may be  
266 considered, subject to approval by the State Board of Education.

267 (3) (a) If a teacher is deemed to be in need of  
268 professional development by the independent evaluation team, that  
269 teacher shall be required to participate in a professional  
270 development plan. This plan will provide professional training  
271 and will be based on each teacher's specific needs and teaching  
272 assignments. The teacher's full participation in the professional  
273 development plan shall be required. This process shall be  
274 followed by a performance-based evaluation, which shall monitor  
275 the teacher's teaching skills and teaching behavior over a period  
276 of time. This monitoring shall include announced and unannounced  
277 reviews. Additionally, the teacher also may be assigned a mentor  
278 who has demonstrated expertise as a high-performing teacher.



279           (b) If, after one (1) year, the teacher fails to  
280 perform, the local school administration shall reevaluate the  
281 teacher's professional development plan, make any necessary  
282 adjustments to it, and require his participation in the plan for a  
283 second year.

284           (c) If, after the second year, the teacher fails to  
285 perform, the administration shall recommend and the local school  
286 shall dismiss the teacher in a manner consistent with Section  
287 37-9-59.

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

298           (b) If a school continues to be a Priority School after  
299 a second year, the local school board may take one (1) of the  
300 following actions:

301                   (i) Impose a cap on the superintendent's salary;

302 or

303                   (ii) Make any necessary adjustments to his  
304 professional development plan and require his continued  
305 participation in a plan.

306           (c) If a school continues to be designated a Priority  
307 School after three (3) years of implementing a school improvement  
308 plan the State Board of Education shall, or if more than fifty  
309 percent (50%) of the schools within the school district are  
310 designated as Priority Schools in any one (1) year the State Board  
311 of Education may, issue a written request with documentation to

312 the Governor asking that the office of the superintendent of such  
313 school district be subject to recall. Whenever the Governor  
314 declares that the office of the superintendent of such school  
315 district is subject to recall, the local school board or the  
316 county election commission, as the case may be, shall take the  
317 following action:

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

327 "Shall County Superintendent of Education \_\_\_\_\_  
328 (here the name of the superintendent shall be inserted) of the  
329 \_\_\_\_\_ (here the title of the school district shall be  
330 inserted) be retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

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

337 (ii) If the office of superintendent is an  
338 appointive office, the name of the superintendent shall be  
339 submitted by the president of the local school board at the next  
340 regular meeting of the school board for retention in office or  
341 dismissal from office. If a majority of the school board voting  
342 on the question vote against retaining the superintendent in  
343 office, a vacancy shall exist which shall be filled as provided by  
344 law, otherwise the superintendent shall remain in office for the

345 duration of his employment contract.

346 (5) In the event a school continues to be designated a  
347 Priority School after three (3) years of implementing a school  
348 improvement plan the State Board of Education shall, or in the  
349 event that more than fifty percent (50%) of the schools within the  
350 school district are designated as Priority Schools in any one (1)  
351 year the State Board of Education may, issue a written request  
352 with documentation to the Governor that the membership of the  
353 school board of such school district shall be subject to recall.  
354 Whenever the Governor declares that the membership of the school  
355 board shall be subject to recall, the county election commission  
356 or the local governing authorities, as the case may be, shall take  
357 the following action:

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

368 "Members of the \_\_\_\_\_ (here the title of the school  
369 district shall be inserted) School Board who are not up for  
370 election this year are subject to recall because of the school  
371 district's continued designation as a Priority School. Shall the  
372 member of the school board representing this area, \_\_\_\_\_  
373 (here the name of the school board member holding the office shall  
374 be inserted), be retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

375 If a majority of those voting on the question vote against  
376 retaining the member of the school board in office, a vacancy in  
377 that board member's office shall exist which shall be filled in

378 the manner provided by law; otherwise, the school board member  
379 shall remain in office for the term of such office, and at the  
380 expiration of the term of office, the member shall be eligible for  
381 qualification and election to another term or terms of office.  
382 However, if a majority of the school board members are recalled in  
383 the regular special election, the Governor shall authorize the  
384 board of supervisors of the county in which the school district is  
385 situated to appoint members to fill the offices of the members  
386 recalled. The board of supervisors shall make such appointments  
387 in the manner provided by law for filling vacancies on the school  
388 board, and the appointed members shall serve until the office is  
389 filled at the next regular special election or general election.

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

401 (c) If the local school board is comprised of both  
402 elected and appointed members, the elected members shall be  
403 subject to recall in the manner provided in paragraph (a) of this  
404 subsection. Appointed members shall be subject to recall in the  
405 manner provided in paragraph (b).

406 (6) In the event a school continues to be designated a  
407 Priority School after three (3) years of implementing a school  
408 improvement plan, or in the event that more than fifty percent  
409 (50%) of the schools within the school district are designated as  
410 Priority Schools in any one (1) year, the State Board of Education

411 may request that the Governor declare a state of emergency in that  
412 school district. Upon the declaration of the state of emergency  
413 by the Governor, the State Board of Education may take all such  
414 action for dealing with school districts as is authorized under  
415 subsection (11) or (14) of Section 37-17-6, including the  
416 appointment of an interim conservator.

417 (7) The State Department of Education shall make a  
418 semiannual report to the State Board of Education identifying the  
419 number and names of schools classified as a Priority Schools,  
420 which shall include a description of the deficiencies identified  
421 and the actions recommended and implemented. The department shall  
422 also notify the State Board of Education of any Priority School  
423 which has successfully completed their improvement plans and shall  
424 notify the Governor and the Legislature of such school's progress.

425 (8) The State Board of Education shall direct and provide  
426 comprehensive staff development training for school administrators  
427 and teachers on the new requirements of this act. Any new  
428 assessment instruments to be used in conjunction with any  
429 evaluation required by this act shall be made available for review  
430 by teachers, administrator and other staff. Prior to evaluation  
431 of individual teachers, administrators and other staff  
432 pre-evaluation interviews will be conducted. Likewise, after any  
433 evaluation is complete, post-evaluation interviews will be  
434 conducted. During such post-interviews, evaluators shall identify  
435 and discuss the following: teaching techniques used, teaching  
436 strengths and weaknesses and an overall assessment of performance.

437 (9) No later than July 1 of each year the State Board of  
438 Education shall report to the state Legislature and the public at  
439 large:

440 (a) An itemized accounting of the use of state funds to  
441 provide technical, legal and financial assistance to each Priority  
442 School, and to such schools which had been designated as Priority  
443 Schools within the previous three (3) years, if such schools

444 received such assistance at any time during the previous three (3)  
445 years;

446 (b) An explanation of the problems sought to be  
447 addressed in each such school receiving this assistance and for  
448 which such expenditure of funds was undertaken;

449 (c) The actions taken in each school district to  
450 utilize the funds to address the problems identified in paragraph  
451 (b) immediately above;

452 (d) An evaluation of the impact of the effort to  
453 address the problems identified;

454 (e) An assessment of what further actions need to be  
455 undertaken to address these problems, if such problems have not  
456 been entirely alleviated; and

457 (f) An assessment of the impact which Senate Bill No.  
458 2156, 1999 Regular Session, and Senate Bill No. 2488, 2000 Regular  
459 Session are having on the educational goals which these statutes  
460 sought to address.

461 SECTION 5. Section 37-7-306, Mississippi Code of 1972, is  
462 amended as follows:[JU1]

463 37-7-306. (1) Every school board member selected after July  
464 1, 2002, shall have a high school diploma or its equivalent.

465 (2) Every school board member selected after July 1, 1993,  
466 shall be required to complete a basic course of training and  
467 education for local school board members, in order for board  
468 members to carry out their duties more effectively and be exposed  
469 to new ideas involving school restructuring. Such basic course of  
470 training, approved by the State Board of Education, shall be  
471 conducted by the School Executive Management Institute of the  
472 State Department of Education. Upon completion of the basic  
473 course of training, the School Executive Management Institute  
474 shall file a certificate of completion for the school board member  
475 with the office of the local school board. In the event that a  
476 board member fails to complete such training within six (6) months

477 of his selection, or six (6) months from April 15, 1993, such  
478 board member shall no longer be qualified to serve and shall be  
479 removed from office.

480 (3) In addition to meeting the requirements of subsection  
481 (2) of this section, after taking office, each school board member  
482 shall be required to file annually in the office of the school  
483 board a certificate of completion of a course of continuing  
484 education conducted by the Mississippi School Boards Association,  
485 the community/junior colleges, the state institutions of higher  
486 learning or other organizations approved by the State Board of  
487 Education.

488 (4) Every school board member selected after July 1, 2002,  
489 shall spend at least one (1) full day in a school in the district  
490 they represent, without compensation.

491 (5) Upon the failure of any local school board member to  
492 file with the school board the certificate of completion of the  
493 basic or continuing course of training as provided in subsection  
494 (2) or (3) of this section, the school board member shall be  
495 removed from office by the Attorney General. In the event of a  
496 medical or other catastrophic hardship that prevents such school  
497 board member from obtaining the required training or filing such  
498 certificate, as may be defined by the State Board of Education by  
499 rule and regulation, an additional period of three (3) months may  
500 be allowed to satisfy the requirements of subsection (2) or (3).

501 SECTION 6. Section 37-17-6, Mississippi Code of 1972, is  
502 amended as follows:[RDD2]

503 37-17-6. (1) The State Board of Education, acting through  
504 the Commission on School Accreditation, shall establish and  
505 implement a permanent performance-based accreditation system, and  
506 all public elementary and secondary schools shall be accredited  
507 under this system.

508 (2) No later than June 30, 1995, the State Board of  
509 Education, acting through the Commission on School Accreditation,

510 shall require school districts to provide school classroom space  
511 that is air conditioned as a minimum requirement for  
512 accreditation.

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

517	Number of Students		Number of Certified
518	Per School Library		School Librarians
519	0 - 499 Students	½	Full-time Equivalent
520			Certified Librarian
521	500 or More Students	1	Full-time Certified
522			Librarian

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

525 (c) The assignment of such school librarians to the  
526 particular schools shall be at the discretion of the local school  
527 district. No individual shall be employed as a certified school  
528 librarian without appropriate training and certification as a  
529 school librarian by the State Department of Education.

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

534 (e) Nothing in this subsection shall prohibit any  
535 school district from employing more certified school librarians  
536 than are provided for in this section.

537 (f) Any additional millage levied to fund school  
538 librarians required for accreditation under this subsection shall  
539 be included in the tax increase limitation set forth in Sections  
540 37-57-105 and 37-57-107 and shall not be deemed a new program for  
541 purposes of the limitation.

542 (4) On or before December 31, 2002, the State Board of



543 Education shall implement the performance-based accreditation  
544 system for school districts and for individual schools which shall  
545 include the following:

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

548 (b) Strong accountability for results with appropriate  
549 local flexibility for local implementation;

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

552 (d) Individual schools shall be held accountable for  
553 student growth and performance;

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

557 (f) A determination of which schools exceed their  
558 standards and a plan for providing recognition and rewards to such  
559 schools;

560 (g) A determination of which schools are failing to  
561 meet their standards and a determination of the appropriate role  
562 of the State Board of Education and the State Department of  
563 Education in providing assistance and initiating possible  
564 intervention; and

565 (h) Development of a comprehensive student assessment  
566 system to implement these requirements.

567 The State Board of Education may continue to assign school  
568 district performance levels by using a number classification and  
569 may assign individual school performance levels by using a number  
570 classification to be consistent with school district performance  
571 levels.

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

575 (6) The State Board of Education shall create an

576 accreditation audit unit under the Commission on School  
577 Accreditation to determine whether schools are complying with  
578 accreditation standards.

579 (7) The State Board of Education shall be specifically  
580 authorized and empowered to withhold adequate minimum education  
581 program or adequate education program fund allocations, whichever  
582 is applicable, to any public school district for failure to timely  
583 report student, school personnel and fiscal data necessary to meet  
584 state and/or federal requirements.

585 (8) Deleted.

586 (9) The State Board of Education shall establish, for those  
587 school districts failing to meet accreditation standards, a  
588 program of development to be complied with in order to receive  
589 state funds, except as otherwise provided in subsection (14) of  
590 this section when the Governor has declared a state of emergency  
591 in a school district or as otherwise provided in Section 206,  
592 Mississippi Constitution of 1890. The state board, in  
593 establishing these standards, shall provide for notice to schools  
594 and sufficient time and aid to enable schools to attempt to meet  
595 these standards, unless procedures under subsection (14) of this  
596 section have been invoked.

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

600 (a) Develop an impairment report for each district  
601 failing to meet accreditation standards in conjunction with school  
602 district officials;

603 (b) Notify any applicable school district failing to  
604 meet accreditation standards that it is on probation until  
605 corrective actions are taken or until the deficiencies have been  
606 removed. The local school district shall develop a corrective  
607 action plan to improve its deficiencies. For district academic  
608 deficiencies, the corrective action plan for each such school

609 district shall be based upon a complete analysis of the following:  
610 student test data, student grades, student attendance reports,  
611 student drop-out data, existence and other relevant data. The  
612 corrective action plan shall describe the specific measures to be  
613 taken by the particular school district and school to improve:  
614 (a) instruction; (b) curriculum; (c) professional development; (d)  
615 personnel and classroom organization; (e) student incentives for  
616 performance; (f) process deficiencies; and (g) reporting to the  
617 local school board, parents and the community. The corrective  
618 action plan shall describe the specific individuals responsible  
619 for implementing each component of the recommendation and how each  
620 will be evaluated. All corrective action plans shall be provided  
621 to the State Board of Education as may be required. The decision  
622 of the State Board of Education establishing the probationary  
623 period of time shall be final;

624 (c) Offer, during the probationary period, technical  
625 assistance to the school district in making corrective actions.  
626 Beginning July 1, 1998, subject to the availability of funds, the  
627 State Department of Education shall provide technical and/or  
628 financial assistance to all such school districts in order to  
629 implement each measure identified in that district's corrective  
630 action plan through professional development and on-site  
631 assistance. Each such school district shall apply for and utilize  
632 all available federal funding in order to support its corrective  
633 action plan in addition to state funds made available under this  
634 paragraph;

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

638 (e) Provide for publication of public notice at least  
639 one (1) time during the probationary period, in a newspaper  
640 published within the jurisdiction of the school district failing  
641 to meet accreditation standards, or if no newspaper is published

642 therein, then in a newspaper having a general circulation therein.

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

649 (11) (a) If the recommendations for corrective action are  
650 not taken by the local school district or if the deficiencies are  
651 not removed by the end of the probationary period, the Commission  
652 on School Accreditation shall conduct a hearing to allow such  
653 affected school district to present evidence or other reasons why  
654 its accreditation should not be withdrawn. Subsequent to its  
655 consideration of the results of such hearing, the Commission on  
656 School Accreditation shall be authorized, with the approval of the  
657 State Board of Education, to withdraw the accreditation of a  
658 public school district, and issue a request to the Governor that a  
659 state of emergency be declared in that district.

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

674 (c) Whenever the Governor declares a state of emergency

675 in a school district in response to a request made under paragraph  
676 (a) or (b) of this subsection, the State Board of Education may  
677 take one or more of the following actions:

678 (i) Declare a state of emergency, under which some  
679 or all of state funds can be escrowed except as otherwise provided  
680 in Section 206, Constitution of 1890, until the board determines  
681 corrective actions are being taken or the deficiencies have been  
682 removed, or that the needs of students warrant the release of  
683 funds. Such funds may be released from escrow for any program  
684 which the board determines to have been restored to standard even  
685 though the state of emergency may not as yet be terminated for the  
686 district as a whole;

687 (ii) Override any decision of the local school  
688 board or superintendent of education, or both, concerning the  
689 management and operation of the school district, or initiate and  
690 make decisions concerning the management and operation of the  
691 school district;

692 (iii) Assign an interim conservator who will have  
693 those powers and duties prescribed in subsection (14) of this  
694 section;

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

699 (v) For states of emergency declared under  
700 paragraph (a) only, if the accreditation deficiencies are related  
701 to the fact that the school district is too small, with too few  
702 resources, to meet the required standards and if another school  
703 district is willing to accept those students, abolish that  
704 district and assign that territory to another school district or  
705 districts. If the school district has proposed a voluntary  
706 consolidation with another school district or districts, then if  
707 the State Board of Education finds that it is in the best interest

708 of the pupils of the district for such consolidation to proceed,  
709 the voluntary consolidation shall have priority over any such  
710 assignment of territory by the State Board of Education;

711 (vi) For states of emergency declared under  
712 paragraph (b) only, reduce local supplements paid to school  
713 district employees, including, but not limited to, instructional  
714 personnel, assistant teachers and extracurricular activities  
715 personnel, if the district's impairment is related to a lack of  
716 financial resources, but only to an extent which will result in  
717 the salaries being comparable to districts similarly situated, as  
718 determined by the State Board of Education;

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

722 (d) At such time as satisfactory corrective action has  
723 been taken in a school district in which a state of emergency has  
724 been declared, the State Board of Education may request the  
725 Governor to declare that the state of emergency no longer exists  
726 in the district.

727 (e) Not later than July 1 of each year, the State  
728 Department of Education shall develop an itemized accounting of  
729 the expenditures associated with the management of the conservator  
730 process with regard to each school district in which a conservator  
731 has been appointed, and an assessment as to the extent to which  
732 the conservator has achieved, or failed to achieve, the goals for  
733 which the conservator was appointed to guide the local school  
734 district.

735 (12) Upon the declaration of a state of emergency in a  
736 school district under subsection (11) of this section, the  
737 Commission on School Accreditation shall be responsible for public  
738 notice at least once a week for at least three (3) consecutive  
739 weeks in a newspaper published within the jurisdiction of the  
740 school district failing to meet accreditation standards, or if no

741 newspaper is published therein, then in a newspaper having a  
742 general circulation therein. The size of such notice shall be no  
743 smaller than one-fourth (1/4) of a standard newspaper page and  
744 shall be printed in bold print. If a conservator has been  
745 appointed for the school district, such notice shall begin as  
746 follows: "By authority of Section 37-17-6, Mississippi Code of  
747 1972, as amended, adopted by the Mississippi Legislature during  
748 the 1991 Regular Session, this school district (name of school  
749 district) is hereby placed under the jurisdiction of the State  
750 Department of Education acting through its appointed conservator  
751 (name of conservator)."

752 The notice also shall include, in the discretion of the State  
753 Board of Education, any or all details relating to the school  
754 district's emergency status, including the declaration of a state  
755 of emergency in the school district and a description of the  
756 district's impairment deficiencies, conditions of any  
757 conservatorship and corrective actions recommended and being  
758 taken. Public notices issued under this section shall be subject  
759 to Section 13-3-31 and not contrary to other laws regarding  
760 newspaper publication.

761 Upon termination of the state of emergency in a school  
762 district, the Commission on School Accreditation shall cause  
763 notice to be published in the school district in the same manner  
764 provided in this section, to include any or all details relating  
765 to the corrective action taken in the school district which  
766 resulted in the termination of the state of emergency.

767 (13) The State Board of Education or the Commission on  
768 School Accreditation shall have the authority to require school  
769 districts to produce the necessary reports, correspondence,  
770 financial statements, and any other documents and information  
771 necessary to fulfill the requirements of this section.

772 Nothing in this section shall be construed to grant any  
773 individual, corporation, board or conservator the authority to

774 levy taxes except in accordance with presently existing statutory  
775 provisions.

776 (14) (a) Whenever the Governor declares a state of  
777 emergency in a school district in response to a request made under  
778 subsection (11) of this section, the State Board of Education, in  
779 its discretion, may assign an interim conservator to the school  
780 district who will be responsible for the administration,  
781 management and operation of the school district, including, but  
782 not limited to, the following activities:

783 (i) Approving or disapproving all financial  
784 obligations of the district, including, but not limited to, the  
785 employment, termination, nonrenewal and reassignment of all  
786 certified and noncertified personnel, contractual agreements and  
787 purchase orders, and approving or disapproving all claim dockets  
788 and the issuance of checks; in approving or disapproving  
789 employment contracts of superintendents, assistant superintendents  
790 or principals, the interim conservator shall not be required to  
791 comply with the time limitations prescribed in Sections 37-9-15  
792 and 37-9-105;

793 (ii) Supervising the day-to-day activities of the  
794 district's staff, including reassigning the duties and  
795 responsibilities of personnel in a manner which, in the  
796 determination of the conservator, will best suit the needs of the  
797 district;

798 (iii) Reviewing the district's total financial  
799 obligations and operations and making recommendations to the  
800 district for cost savings, including, but not limited to,  
801 reassigning the duties and responsibilities of staff;

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

804 (v) Approving or disapproving all athletic, band  
805 and other extracurricular activities and any matters related to  
806 those activities;



807 (vi) Maintaining a detailed account of  
808 recommendations made to the district and actions taken in response  
809 to those recommendations;

810 (vii) Reporting periodically to the State Board of  
811 Education on the progress or lack of progress being made in the  
812 district to improve the district's impairments during the state of  
813 emergency; and

814 (viii) Appointing a parent advisory committee,  
815 comprised of parents of students in the school district, which may  
816 make recommendations to the conservator concerning the  
817 administration, management and operation of the school district.

818 Except when, in the determination of the State Board of  
819 Education, the school district's impairment is related to a lack  
820 of financial resources, the cost of the salary of the conservator  
821 and any other actual and necessary costs related to the  
822 conservatorship paid by the State Department of Education shall be  
823 reimbursed by the local school district from nonminimum program  
824 funds. The department shall submit an itemized statement to the  
825 superintendent of the local school district for reimbursement  
826 purposes, and any unpaid balance may be withheld from the  
827 district's minimum or adequate education program funds.

828 At such time as the Governor, pursuant to the request of the  
829 State Board of Education, declares that the state of emergency no  
830 longer exists in a school district, the powers and  
831 responsibilities of the interim conservator assigned to such  
832 district shall cease.

833 (b) In order to provide loans to school districts under  
834 a state of emergency which have impairments related to a lack of  
835 financial resources, the School District Emergency Assistance Fund  
836 is created as a special fund in the State Treasury into which  
837 monies may be transferred or appropriated by the Legislature from  
838 any available public education funds. The maximum amount that may  
839 be appropriated or transferred to the School District Emergency

840 Assistance Fund for any one (1) emergency shall be Two Million  
841 Dollars (\$2,000,000.00), and the maximum amount that may be  
842 appropriated during any fiscal year shall be Three Million Dollars  
843 (\$3,000,000.00).

844         The State Board of Education may loan monies from the School  
845 District Emergency Assistance Fund to a school district that is  
846 under a state of emergency in such amounts, as determined by the  
847 board, which are necessary to correct the district's impairments  
848 related to a lack of financial resources. The loans shall be  
849 evidenced by an agreement between the school district and the  
850 State Board of Education and shall be repayable in principal,  
851 without necessity of interest, to the State General Fund or the  
852 Education Enhancement Fund, depending on the source of funding for  
853 such loan, by the school district from any allowable funds that  
854 are available. The total amount loaned to the district shall be  
855 due and payable within five (5) years after the impairments  
856 related to a lack of financial resources are corrected. If a  
857 school district fails to make payments on the loan in accordance  
858 with the terms of the agreement between the district and the State  
859 Board of Education, the State Department of Education, in  
860 accordance with rules and regulations established by the State  
861 Board of Education, may withhold that district's minimum program  
862 funds in an amount and manner that will effectuate repayment  
863 consistent with the terms of the agreement; such funds withheld by  
864 the department shall be deposited into the State General Fund or  
865 the Education Enhancement Fund, as the case may be.

866         If the State Board of Education determines that an extreme  
867 emergency exists, simultaneous with the powers exercised in this  
868 subsection, it shall take immediate action against all parties  
869 responsible for the affected school districts having been  
870 determined to be in an extreme emergency. Such action shall  
871 include, but not be limited to, initiating civil actions to  
872 recover funds and criminal actions to account for criminal

873 activity. Any funds recovered by the State Auditor or the State  
874 Board of Education from the surety bonds of school officials or  
875 from any civil action brought under this subsection shall be  
876 applied toward the repayment of any loan made to a school district  
877 hereunder.

878 (15) In the event a majority of the membership of the school  
879 board of any school district resigns from office, the State Board  
880 of Education shall be authorized to assign an interim conservator,  
881 who shall be responsible for the administration, management and  
882 operation of the school district until such time as new board  
883 members are selected or the Governor declares a state of emergency  
884 in that school district under subsection (11), whichever occurs  
885 first. In such case, the State Board of Education, acting through  
886 the interim conservator, shall have all powers which were held by  
887 the previously existing school board, and may take such action as  
888 prescribed in Section 37-17-13 and/or one or more of the actions  
889 authorized in this section.

890 (16) Beginning with the school district audits conducted for  
891 the 1997-1998 fiscal year, the State Board of Education, acting  
892 through the Commission on School Accreditation, shall require each  
893 school district to comply with standards established by the State  
894 Department of Audit for the verification of fixed assets and the  
895 auditing of fixed assets records as a minimum requirement for  
896 accreditation.

897 (17) Before December 1, 1999, the State Board of Education  
898 shall recommend a program to the Education Committees of the House  
899 of Representatives and the Senate for identifying and rewarding  
900 public schools that improve or are high-performing. The program  
901 shall be described by the board in a written report, which shall  
902 include criteria and a process through which improving schools and  
903 high-performing schools will be identified and rewarded.

904 The State Superintendent of Education and the State Board of  
905 Education also shall develop a comprehensive accountability plan

906 to ensure that local school boards, superintendents, principals  
907 and teachers are held accountable for student achievement. A  
908 written report on the accountability plan shall be submitted to  
909 the Education Committees of both houses of the Legislature before  
910 December 1, 1999, with any necessary legislative recommendations.

911 SECTION 7. Sections 1, 2, 3, 4, 5, 6, 7 and 11 of House Bill  
912 No. 1134, 2000 Regular Session, which established an incentive  
913 grant program for improving schools and an accountability program  
914 for low-performing schools, are hereby repealed.

915 SECTION 8. Section 12 of House Bill No. 1134, 2000 Regular  
916 Session, is amended as follows:

917 Section 12. This act shall take effect and be in force from  
918 and after July 1, 2000 \* \* \*.

919 SECTION 9. The Attorney General of the State of Mississippi  
920 shall submit Sections 4 and 5 of this act, immediately upon  
921 approval by the Governor, or upon approval by the Legislature  
922 subsequent to a veto, to the Attorney General of the United States  
923 or to the United States District Court for the District of  
924 Columbia in accordance with the provisions of the Voting Rights  
925 Act of 1965, as amended and extended.

926 SECTION 10. This act shall take effect and be in force from  
927 and after July 1, 2000; provided that Sections 4 and 5 shall take  
928 effect and be in force from and after the date it is effectuated  
929 under Section 5 of the Voting Rights Act of 1965, as amended and  
930 extended.