

**\*\*\*Adopted\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1134**

**By Senator(s) Committee**

36           Amend by striking all after the enacting clause and inserting  
37 in lieu thereof the following:

38  
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 or Exemplary School designation shall  
48 be made by the State Board of Education in accordance with the  
49 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 be one  
53 (1) of the components which result in a composite score each year  
54 for each school, and other components of this score shall include,  
55 but are not limited to, student attendance and effort, teacher  
56 attendance and certification.

57           (b) A determination will be made as to the percentage  
58 of students proficient in each school. This measurement will

59 define what a student must know in order to be deemed proficient  
60 at each grade level and will clearly show how well a student is  
61 performing. The definition of proficiency shall be developed for  
62 each grade, based on input from teachers and their review of the  
63 curriculum requirements.

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 having lost its accreditation and designated as a  
72 Priority School which exceeds its growth expectation by a  
73 percentage established by the State Board of Education shall no  
74 longer be considered a Priority School and shall be eligible for  
75 monetary awards under this section. Superior-Performing School  
76 designation may not be achieved by a school where the lowest  
77 quartile of student achievement scores is not improving.

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

84 (a) Funding for unique staff professional development  
85 activities. Staff participating in such activities will report to  
86 the school and school district about the benefits and lessons  
87 learned from such training;

88 (b) Technology needs;

89 (c) Sabbaticals for teachers or administrators, or  
90 both, to pursue additional professional development or educational  
91 enrichment;

92 (d) Paid professional leave.

93 All funds awarded under this subsection shall be subject to

94 specific appropriation therefor by the Legislature.

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

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

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

122 (3) Within fifteen (15) days after a Priority School has  
123 been identified, written notice shall be sent by the State Board  
124 of Education by certified mail to both the school principal and  
125 the local board of education. Within fifteen (15) days after  
126 notification the State Board of Education shall assign an  
127 evaluation team to the school. The evaluation team shall consist  
128 of a minimum of seven (7) trained members appointed by the State

129 Superintendent of Education and approved by the State Board of  
130 Education from the following categories: (a) school  
131 superintendents; (b) school principals; (c) curriculum  
132 coordinators; (d) at least two (2) teachers; (e) local school  
133 board members; (f) community leaders; (g) parents; and (h)  
134 institutions of higher learning personnel. Optional evaluation  
135 team members in specialized areas may be utilized by the State  
136 Department of Education if needed. These additional members may  
137 include individuals with expertise and knowledge in such areas as  
138 vocational-technical education, special education, federal  
139 programs and school technology. Evaluation team members shall be  
140 independent of the school being evaluated and shall not be  
141 employees of the State Department of Education. The team may  
142 include retired educators who have met certain standards and have  
143 completed all necessary training. All evaluation team members  
144 shall be trained, at a minimum, in the following: (a) school  
145 accreditation legal requirements; (b) data analysis; (c)  
146 curriculum alignment; (d) effective curriculum and instructional  
147 strategies; (e) the State Department of Education school  
148 improvement plan process; (f) personnel appraisal; (g) effective  
149 community involvement; (h) public relations; (i) safe and orderly  
150 school climate; (j) policy development and implementation; (k)  
151 effective school resource allocation; and (l) effective school  
152 management. A team leader shall be chosen by the department for  
153 each evaluation team to provide overall guidance to the team. The  
154 State Department of Education shall assist each evaluation team by  
155 providing administrative and clerical support.

156 (4) An approved evaluation team shall have the following  
157 powers and duties:

158 (a) The evaluation team may request any financial  
159 documentation that it deems necessary, and the Priority School,  
160 with the assistance and cooperation of the school district central  
161 office, shall submit such requested financial information to the  
162 evaluation team.

163 (b) The evaluation team shall analyze the Priority

164 Schools' data to determine probable areas of weakness before  
165 conducting an on-site audit. The evaluation team shall proceed to  
166 conduct an on-site audit and shall prepare an evaluation report.  
167 If necessary, the evaluation team may request additional  
168 individuals in specialty areas to participate as team members in  
169 preparing the evaluation. After completing the evaluation of the  
170 Priority School, the team shall prepare and adopt its school  
171 evaluation report, which shall be submitted to the State  
172 Superintendent of Public Education for approval within forty-five  
173 (45) calendar days. The school evaluation report shall identify  
174 any personnel who were found by the evaluation team to be in need  
175 of improvement and need to participate in a professional  
176 development plan. Evaluation instruments will be developed and  
177 field tested by the State Department of Education at least one (1)  
178 year prior to implementation.

179 (5) Following the approval of the evaluation report by the  
180 State Superintendent of Public Education, a representative from  
181 the State Superintendent of Education and the evaluation team  
182 leader shall present the evaluation report to the principal of the  
183 Priority School and to the superintendent and school board members  
184 of the local school district. Following this presentation, the  
185 evaluation report shall be presented to the community served by  
186 the Priority School at an advertised public meeting.

187 SECTION 3. (1) Based on the findings of the evaluation  
188 report and the results of the public meeting, the State Department  
189 of Education and the evaluation team leader shall assist the  
190 school principal and other local school officials in the  
191 development of a school improvement plan to improve its  
192 deficiencies. A local parent advisory committee shall be  
193 established by the evaluation team at the school in order to  
194 provide input and guidance into the development of the school  
195 improvement plan and its evaluation during the implementation  
196 period. Local parent-teacher associations or organizations shall  
197 have input in the selection of the parent advisory committee.  
198 Where no active local parent-teacher group exists, the State

199 Department of Education may request assistance from the  
200 Mississippi Parent-Teacher Association and other community-based  
201 organizations in the selection of the local parent advisory  
202 committee.

203 (2) The school improvement plan shall be developed and  
204 approved by the principal of the Priority School, the  
205 superintendent of the local school district, the local school  
206 board and a majority of the teachers of the school, within  
207 forty-five (45) days.

208 (3) The State Department of Education shall provide  
209 technical assistance to the Priority School in the implementation  
210 of the school improvement plan, including the implementation of  
211 any recommended professional development plan, and the department  
212 shall contract with the institutions of higher learning to provide  
213 such technical assistance. The assistance team shall collaborate  
214 with school and school district employees in the implementation  
215 and monitoring of the school improvement plan and shall report  
216 monthly to the local school board and the local community.

217 SECTION 4. (1) As part of the school improvement plan for a  
218 Priority School, a professional development plan shall be prepared  
219 for those school administrators, teachers or other employees who  
220 are identified by the evaluation team as needing improvement.

221 (2) (a) If a principal is deemed to be in need of  
222 improvement by the evaluation team, a professional development  
223 plan shall be developed for the principal. The principal's full  
224 participation in the professional development plan shall be  
225 required as a condition of continued employment. The plan shall  
226 provide professional training in the roles and behaviors of an  
227 instructional leader and shall offer training specifically  
228 identified for that principal's needs. The principal of a  
229 Priority School may be assigned mentors who have demonstrated  
230 expertise as a high-performing principal. Mentors shall make a  
231 personal time commitment to this process and may not be evaluators  
232 of the principals being mentored. The local school board and  
233 superintendent shall continue to evaluate all school personnel

234 during this period, evaluate their professional development plans  
235 and make personnel decisions as appropriate.

236 (b) At the end of the second year, if a school  
237 continues to be a Priority School, the local school board shall  
238 dismiss the principal consistent with the provisions of Section  
239 37-9-59. If extenuating circumstances exist, such as the  
240 assignment of a principal at a Priority School for less than two  
241 (2) years, other options may be considered subject to approval by  
242 the State Board of Education.

243 (3) (a) If a teacher is deemed to be in need of  
244 professional development by the independent evaluation team, that  
245 teacher shall be required to participate in a professional  
246 development plan. This plan will provide professional training  
247 and will be based on each teacher's specific needs and teaching  
248 assignments and shall commence no later than thirty (30) days  
249 after being identified. The teacher's full participation in the  
250 professional development plan shall be required as a condition of  
251 continued employment. This process shall be followed by a  
252 performance-based evaluation, which shall monitor the teacher's  
253 teaching skills and teaching behavior over a period of time. This  
254 monitoring shall include announced and unannounced reviews.  
255 Evaluation instruments will be developed and field tested by the  
256 State Department of Education prior to implementation of this  
257 evaluation. Additionally, the teacher may also be assigned a  
258 mentor who has demonstrated expertise as a high-performing  
259 teacher.

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

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

267 (4) (a) If the evaluation report reveals a school district  
268 central office problem, a superintendent of the school district

269 having a Priority School shall be required to participate in a  
270 professional development plan. Additionally, the superintendent  
271 may be assigned mentors who are high-performing superintendents  
272 and have demonstrated expertise and knowledge of  
273 Superior-Performing Schools. The local school board shall  
274 continue to evaluate the performance of the superintendent and his  
275 participation in a professional development plan, making  
276 appropriate revisions to the plan as needed. The local school  
277 board shall continue to evaluate all school personnel during this  
278 period, and make personnel decisions as appropriate.

279 (b) If a school continues to be a Priority School after  
280 a second year, the local school board may (i) impose a cap on the  
281 superintendent's salary, or (ii) make any necessary adjustments to  
282 his professional development plan, and require his continued  
283 participation in a plan.

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

292 Whenever the Governor declares that the office of superintendent  
293 of such school district shall be subject to recall, the local  
294 school board or the county election commission, as the case may  
295 be, shall take the following action:

296 (i) If the office of superintendent is an elected  
297 office, in those years in which there is no general election, the  
298 name shall be submitted by the State Board of Education to the  
299 county election commission at least sixty (60) days before the  
300 next regular special election, and the county election commission  
301 shall submit the question at the next regular special election to  
302 the voters eligible to vote for the office of superintendent  
303 within the county. The ballot shall read substantially as



304 follows:

305 "Shall County Superintendent of Education \_\_\_\_\_  
306 (here the name of the superintendent shall be inserted) of the  
307 \_\_\_\_\_ (here the title of the school district shall be  
308 inserted) be retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

309 If a majority of those voting on the question votes against  
310 retaining the superintendent in office, a vacancy shall exist  
311 which shall be filled in the manner provided by law; otherwise,  
312 the superintendent shall remain in office for the term of such  
313 office, and at the expiration of such term shall be eligible for  
314 qualification and election to another term or terms.

315 (ii) If the office of superintendent is an  
316 appointive office, the name of the superintendent shall be  
317 submitted by the president of the local school board at the next  
318 regular meeting of the school board for retention in office or  
319 dismissal from office. If a majority of the school board voting  
320 on the question vote against retaining him in office, a vacancy  
321 shall exist which shall be filled as provided by law, otherwise  
322 the superintendent shall remain in office for the duration of his  
323 employment contract.

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

336 (a) If the members of the local school board are  
337 elected to office, in those years in which the specific member's  
338 office is not up for election, the name of the school board member

339 shall be submitted by the State Board of Education to the county  
340 election commission at least sixty (60) days before the next  
341 regular special election, and the county election commission at  
342 the next regular special election shall submit the question to the  
343 voters eligible to vote for the particular member's office within  
344 the county or school district, as the case may be. The ballot  
345 shall read substantially as follows:

346 "Members of the \_\_\_\_\_ (here the title of the school  
347 district shall be inserted) School Board who are not up for  
348 election this year are subject to recall because of the school  
349 district's continued designation as a Priority School. Shall the  
350 member of the school board representing this area, \_\_\_\_\_  
351 (here the name of the school board member holding the office shall  
352 be inserted), be retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

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

368 (b) If the local school board is an appointed school  
369 board, the name of all school board members shall be submitted as  
370 a collective board by the president of the municipal or county  
371 governing authority, as the case may be, at the next regular  
372 meeting of the governing authority for retention in office or  
373 dismissal from office. If a majority of the governing authority

374 voting on the question vote against retaining the board in office,  
375 a vacancy shall exist in each school board member's office, which  
376 shall be filled as provided by law; otherwise, the members of the  
377 appointed school board shall remain in office for the duration of  
378 their term of appointment, and such members may be reappointed.

379 (c) If the local school board is comprised of both  
380 elected and appointed members, the elected members shall be  
381 subject to recall in the manner provided in paragraph (a) of this  
382 subsection. Appointed members shall be subject to recall in the  
383 manner provided in paragraph (b).

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

395 (7) The State Department of Education shall make a  
396 semiannual report to the State Board of Education identifying the  
397 number and names of schools classified as a Priority Schools,  
398 which shall include a description of the deficiencies identified  
399 and the actions recommended and implemented. The department shall  
400 also notify the State Board of Education of any Priority School  
401 which has successfully completed their improvement plans and shall  
402 notify the Governor and the Legislature of such school's progress.

403 (8) The State Board of Education shall direct, and provide  
404 technical assistance to, the superintendents of all school  
405 districts to conduct intensive staff development training for  
406 school administrators and teachers on the new requirements of this  
407 section relative to required professional development  
408 participation as a condition of continued employment.

409 SECTION 5. Section 37-9-25, Mississippi Code of 1972, is  
410 amended as follows:

411 37-9-25. The school board shall have the power and  
412 authority, in its discretion, to employ the superintendent, unless  
413 such superintendent is elected, for not exceeding four (4)  
414 scholastic years and the principals or licensed employees for not  
415 exceeding three (3) scholastic years. In such case, contracts  
416 shall be entered into with such superintendents, principals and  
417 licensed employees for the number of years for which they have  
418 been employed. All such contracts with licensed employees shall  
419 for the years after the first year thereof be subject to the  
420 contingency that the licensed employee may be released if, during  
421 the life of the contract, the average daily attendance should  
422 decrease from that existing during the previous year and thus  
423 necessitate a reduction in the number of licensed employees during  
424 any year after the first year of the contract. However, in all  
425 such cases the licensed employee must be released before July 1 or  
426 at least thirty (30) days prior to the beginning of the school  
427 term, whichever date should occur earlier. All such contracts  
428 with superintendents, principals or licensed teachers shall for  
429 the years after the first year thereof be subject to the  
430 contingency that the superintendent, principal or teacher may be  
431 released if, during the life of the contract, the school becomes  
432 designated as a Priority School pursuant to the provisions of  
433 Section 37-17-6(17), Mississippi Code of 1972, and the school or  
434 school district's deficiencies are not improved as required in  
435 said provision. The salary to be paid for the years after the  
436 first year of such contract shall be subject to revision, either  
437 upward or downward, in the event of an increase or decrease in the  
438 funds available for the payment thereof, but, unless such salary  
439 is revised prior to the beginning of a school year, it shall  
440 remain for such school year at the amount fixed in such contract.

441 However, where school district funds, other than minimum  
442 education program funds, are available during the school year in  
443 excess of the amount anticipated at the beginning of the school

444 year the salary to be paid for such year may be increased to the  
445 extent that such additional funds are available and nothing herein  
446 shall be construed to prohibit same.

447 SECTION 6. Section 37-17-6, Mississippi Code of 1972, is  
448 amended as follows:

449 37-17-6. (1) The State Board of Education, acting through  
450 the Commission on School Accreditation, shall establish and  
451 implement a permanent performance-based accreditation system, and  
452 all public elementary and secondary schools shall be accredited  
453 under this system.

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

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

463	Number of Students		Number of Certified
464	Per School Library		School Librarians
465	0 - 499 Students	½	Full-time Equivalent
466			Certified Librarian
467	500 or More Students	1	Full-time Certified
468			Librarian

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

471 (c) The assignment of such school librarians to the  
472 particular schools shall be at the discretion of the local school  
473 district. No individual shall be employed as a certified school  
474 librarian without appropriate training and certification as a  
475 school librarian by the State Department of Education.

476 (d) School librarians in such district shall spend at  
477 least fifty percent (50%) of direct work time in a school library  
478 and shall devote no more than one-fourth (1/4) of the workday to

479 administrative activities which are library related.

480 (e) Nothing in this subsection shall prohibit any  
481 school district from employing more certified school librarians  
482 than are provided for in this section.

483 (f) Any additional millage levied to fund school  
484 librarians required for accreditation under this subsection shall  
485 be included in the tax increase limitation set forth in Sections  
486 37-57-105 and 37-57-107 and shall not be deemed a new program for  
487 purposes of the limitation.

488 (4) On or before July 1, 2000, the State Board of Education  
489 shall implement the performance-based accreditation system for  
490 school districts and for individual schools which shall include  
491 the following:

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

494 (b) Strong accountability for results with appropriate  
495 local flexibility for local implementation;

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

498 (d) Individual schools shall be held accountable for  
499 student growth and performance;

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

503 (f) A determination of which schools exceed their  
504 standards and a plan for providing recognition and rewards to such  
505 schools;

506 (g) A determination of which schools are failing to  
507 meet their standards and a determination of the appropriate role  
508 of the State Board of Education and the State Department of  
509 Education in providing assistance and initiating possible  
510 intervention; and

511 (h) Development of a comprehensive student assessment  
512 system to implement these requirements.

513 The State Board of Education may continue to assign school

514 district performance levels by using a number classification and  
515 may assign individual school performance levels by using a number  
516 classification to be consistent with school district performance  
517 levels.

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

521 (6) The State Board of Education shall create an  
522 accreditation audit unit under the Commission on School  
523 Accreditation to determine whether schools are complying with  
524 accreditation standards.

525 (7) The State Board of Education shall be specifically  
526 authorized and empowered to withhold adequate minimum education  
527 program or adequate education program fund allocations, whichever  
528 is applicable, to any public school district for failure to timely  
529 report student, school personnel and fiscal data necessary to meet  
530 state and/or federal requirements.

531 (8) Deleted.

532 (9) The State Board of Education shall establish, for those  
533 school districts failing to meet accreditation standards, a  
534 program of development to be complied with in order to receive  
535 state funds, except as otherwise provided in subsection (14) of  
536 this section when the Governor has declared a state of emergency  
537 in a school district or as otherwise provided in Section 206,  
538 Mississippi Constitution of 1890. The state board, in  
539 establishing these standards, shall provide for notice to schools  
540 and sufficient time and aid to enable schools to attempt to meet  
541 these standards, unless procedures under subsection (14) of this  
542 section have been invoked.

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

546 (a) Develop an impairment report for each district  
547 failing to meet accreditation standards in conjunction with school  
548 district officials;

549           (b) Notify any applicable school district failing to  
550 meet accreditation standards that it is on probation until  
551 corrective actions are taken or until the deficiencies have been  
552 removed. The local school district shall develop a corrective  
553 action plan to improve its deficiencies. For district academic  
554 deficiencies, the corrective action plan for each such school  
555 district shall be based upon a complete analysis of the following:  
556 student test data, student grades, student attendance reports,  
557 student drop-out data, existence and other relevant data. The  
558 corrective action plan shall describe the specific measures to be  
559 taken by the particular school district and school to improve:  
560 (a) instruction; (b) curriculum; (c) professional development; (d)  
561 personnel and classroom organization; (e) student incentives for  
562 performance; (f) process deficiencies; and (g) reporting to the  
563 local school board, parents and the community. The corrective  
564 action plan shall describe the specific individuals responsible  
565 for implementing each component of the recommendation and how each  
566 will be evaluated. All corrective action plans shall be provided  
567 to the State Board of Education as may be required. The decision  
568 of the State Board of Education establishing the probationary  
569 period of time shall be final;

570           (c) Offer, during the probationary period, technical  
571 assistance to the school district in making corrective actions.  
572 Beginning July 1, 1998, subject to the availability of funds, the  
573 State Department of Education shall provide technical and/or  
574 financial assistance to all such school districts in order to  
575 implement each measure identified in that district's corrective  
576 action plan through professional development and on-site  
577 assistance. Each such school district shall apply for and utilize  
578 all available federal funding in order to support its corrective  
579 action plan in addition to state funds made available under this  
580 paragraph;

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



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

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

595       (11) (a) If the recommendations for corrective action are  
596 not taken by the local school district or if the deficiencies are  
597 not removed by the end of the probationary period, the Commission  
598 on School Accreditation shall conduct a hearing to allow such  
599 affected school district to present evidence or other reasons why  
600 its accreditation should not be withdrawn. Subsequent to its  
601 consideration of the results of such hearing, the Commission on  
602 School Accreditation shall be authorized, with the approval of the  
603 State Board of Education, to withdraw the accreditation of a  
604 public school district, and issue a request to the Governor that a  
605 state of emergency be declared in that district.

606       (b) If the State Board of Education and the Commission  
607 on School Accreditation determine that an extreme emergency  
608 situation exists in a school district which jeopardizes the  
609 safety, security or educational interests of the children enrolled  
610 in the schools in that district and such emergency situation is  
611 believed to be related to a serious violation or violations of  
612 accreditation standards or state or federal law, the State Board  
613 of Education may request the Governor to declare a state of  
614 emergency in that school district. For purposes of this  
615 paragraph, such declarations of a state of emergency shall not be  
616 limited to those instances when a school district's impairments  
617 are related to a lack of financial resources, but also shall  
618 include serious failure to meet minimum academic standards, as

619 evidenced by a continued pattern of poor student performance.

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

624 (i) Declare a state of emergency, under which some  
625 or all of state funds can be escrowed except as otherwise provided  
626 in Section 206, Constitution of 1890, until the board determines  
627 corrective actions are being taken or the deficiencies have been  
628 removed, or that the needs of students warrant the release of  
629 funds. Such funds may be released from escrow for any program  
630 which the board determines to have been restored to standard even  
631 though the state of emergency may not as yet be terminated for the  
632 district as a whole;

633 (ii) Override any decision of the local school  
634 board or superintendent of education, or both, concerning the  
635 management and operation of the school district, or initiate and  
636 make decisions concerning the management and operation of the  
637 school district;

638 (iii) Assign an interim conservator who will have  
639 those powers and duties prescribed in subsection (14) of this  
640 section;

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

645 (v) For states of emergency declared under  
646 paragraph (a) only, if the accreditation deficiencies are related  
647 to the fact that the school district is too small, with too few  
648 resources, to meet the required standards and if another school  
649 district is willing to accept those students, abolish that  
650 district and assign that territory to another school district or  
651 districts. If the school district has proposed a voluntary  
652 consolidation with another school district or districts, then if  
653 the State Board of Education finds that it is in the best interest

654 of the pupils of the district for such consolidation to proceed,  
655 the voluntary consolidation shall have priority over any such  
656 assignment of territory by the State Board of Education;

657 (vi) For states of emergency declared under  
658 paragraph (b) only, reduce local supplements paid to school  
659 district employees, including, but not limited to, instructional  
660 personnel, assistant teachers and extracurricular activities  
661 personnel, if the district's impairment is related to a lack of  
662 financial resources, but only to an extent which will result in  
663 the salaries being comparable to districts similarly situated, as  
664 determined by the State Board of Education;

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

668 (d) At such time as satisfactory corrective action has  
669 been taken in a school district in which a state of emergency has  
670 been declared, the State Board of Education may request the  
671 Governor to declare that the state of emergency no longer exists  
672 in the district.

673 (e) The State Department of Education shall develop a  
674 comprehensive annual report to the school district and to the  
675 Legislature evaluating the progress of the interim conservator  
676 assigned to such school district, with recommendations regarding  
677 the viability of continuing the operation of the conservator's  
678 duties and responsibilities in such district. If at the end of  
679 the third year of the operation of the responsibilities of the  
680 interim conservator, the school or school district has not shown  
681 substantial instruction improvement or continues to be designated  
682 as a Priority School, the State Board of Education shall develop a  
683 plan for the removal of the interim conservator from the school  
684 district, including the restructure of the school improvement plan  
685 through the local community and the local school administration,  
686 and shall make a report thereon to the Legislature.

687 (12) Upon the declaration of a state of emergency in a  
688 school district under subsection (11) of this section, the

689 Commission on School Accreditation shall be responsible for public  
690 notice at least once a week for at least three (3) consecutive  
691 weeks in a newspaper published within the jurisdiction of the  
692 school district failing to meet accreditation standards, or if no  
693 newspaper is published therein, then in a newspaper having a  
694 general circulation therein. The size of such notice shall be no  
695 smaller than one-fourth (1/4) of a standard newspaper page and  
696 shall be printed in bold print. If a conservator has been  
697 appointed for the school district, such notice shall begin as  
698 follows: "By authority of Section 37-17-6, Mississippi Code of  
699 1972, as amended, adopted by the Mississippi Legislature during  
700 the 1991 Regular Session, this school district (name of school  
701 district) is hereby placed under the jurisdiction of the State  
702 Department of Education acting through its appointed conservator  
703 (name of conservator)."

704 The notice also shall include, in the discretion of the State  
705 Board of Education, any or all details relating to the school  
706 district's emergency status, including the declaration of a state  
707 of emergency in the school district and a description of the  
708 district's impairment deficiencies, conditions of any  
709 conservatorship and corrective actions recommended and being  
710 taken. Public notices issued under this section shall be subject  
711 to Section 13-3-31 and not contrary to other laws regarding  
712 newspaper publication.

713 Upon termination of the state of emergency in a school  
714 district, the Commission on School Accreditation shall cause  
715 notice to be published in the school district in the same manner  
716 provided in this section, to include any or all details relating  
717 to the corrective action taken in the school district which  
718 resulted in the termination of the state of emergency.

719 (13) The State Board of Education or the Commission on  
720 School Accreditation shall have the authority to require school  
721 districts to produce the necessary reports, correspondence,  
722 financial statements, and any other documents and information  
723 necessary to fulfill the requirements of this section.

724           Nothing in this section shall be construed to grant any  
725 individual, corporation, board or conservator the authority to  
726 levy taxes except in accordance with presently existing statutory  
727 provisions.

728           (14) (a) Whenever the Governor declares a state of  
729 emergency in a school district in response to a request made under  
730 subsection (11) of this section, the State Board of Education, in  
731 its discretion, may assign an interim conservator to the school  
732 district who will be responsible for the administration,  
733 management and operation of the school district, including, but  
734 not limited to, the following activities:

735                   (i) Approving or disapproving all financial  
736 obligations of the district, including, but not limited to, the  
737 employment, termination, nonrenewal and reassignment of all  
738 certified and noncertified personnel, contractual agreements and  
739 purchase orders, and approving or disapproving all claim dockets  
740 and the issuance of checks; in approving or disapproving  
741 employment contracts of superintendents, assistant superintendents  
742 or principals, the interim conservator shall not be required to  
743 comply with the time limitations prescribed in Sections 37-9-15  
744 and 37-9-105;

745                   (ii) Supervising the day-to-day activities of the  
746 district's staff, including reassigning the duties and  
747 responsibilities of personnel in a manner which, in the  
748 determination of the conservator, will best suit the needs of the  
749 district;

750                   (iii) Reviewing the district's total financial  
751 obligations and operations and making recommendations to the  
752 district for cost savings, including, but not limited to,  
753 reassigning the duties and responsibilities of staff;

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

756                   (v) Approving or disapproving all athletic, band  
757 and other extracurricular activities and any matters related to  
758 those activities;

759 (vi) Maintaining a detailed account of  
760 recommendations made to the district and actions taken in response  
761 to those recommendations;

762 (vii) Reporting periodically to the State Board of  
763 Education on the progress or lack of progress being made in the  
764 district to improve the district's impairments during the state of  
765 emergency; and

766 (viii) Appointing a parent advisory committee,  
767 comprised of parents of students in the school district, which may  
768 make recommendations to the conservator concerning the  
769 administration, management and operation of the school district.

770 Except when, in the determination of the State Board of  
771 Education, the school district's impairment is related to a lack  
772 of financial resources, the cost of the salary of the conservator  
773 and any other actual and necessary costs related to the  
774 conservatorship paid by the State Department of Education shall be  
775 reimbursed by the local school district from nonminimum program  
776 funds. The department shall submit an itemized statement to the  
777 superintendent of the local school district for reimbursement  
778 purposes, and any unpaid balance may be withheld from the  
779 district's minimum or adequate education program funds.

780 At such time as the Governor, pursuant to the request of the  
781 State Board of Education, declares that the state of emergency no  
782 longer exists in a school district, the powers and  
783 responsibilities of the interim conservator assigned to such  
784 district shall cease.

785 (b) In order to provide loans to school districts under  
786 a state of emergency which have impairments related to a lack of  
787 financial resources, the School District Emergency Assistance Fund  
788 is created as a special fund in the State Treasury into which  
789 monies may be transferred or appropriated by the Legislature from  
790 any available public education funds. The maximum amount that may  
791 be appropriated or transferred to the School District Emergency  
792 Assistance Fund for any one (1) emergency shall be Two Million  
793 Dollars (\$2,000,000.00), and the maximum amount that may be

794 appropriated during any fiscal year shall be Three Million Dollars  
795 (\$3,000,000.00).

796         The State Board of Education may loan monies from the School  
797 District Emergency Assistance Fund to a school district that is  
798 under a state of emergency in such amounts, as determined by the  
799 board, which are necessary to correct the district's impairments  
800 related to a lack of financial resources. The loans shall be  
801 evidenced by an agreement between the school district and the  
802 State Board of Education and shall be repayable in principal,  
803 without necessity of interest, to the State General Fund or the  
804 Education Enhancement Fund, depending on the source of funding for  
805 such loan, by the school district from any allowable funds that  
806 are available. The total amount loaned to the district shall be  
807 due and payable within five (5) years after the impairments  
808 related to a lack of financial resources are corrected. If a  
809 school district fails to make payments on the loan in accordance  
810 with the terms of the agreement between the district and the State  
811 Board of Education, the State Department of Education, in  
812 accordance with rules and regulations established by the State  
813 Board of Education, may withhold that district's minimum program  
814 funds in an amount and manner that will effectuate repayment  
815 consistent with the terms of the agreement; such funds withheld by  
816 the department shall be deposited into the State General Fund or  
817 the Education Enhancement Fund, as the case may be.

818         If the State Board of Education determines that an extreme  
819 emergency exists, simultaneous with the powers exercised in this  
820 subsection, it shall take immediate action against all parties  
821 responsible for the affected school districts having been  
822 determined to be in an extreme emergency. Such action shall  
823 include, but not be limited to, initiating civil actions to  
824 recover funds and criminal actions to account for criminal  
825 activity. Any funds recovered by the State Auditor or the State  
826 Board of Education from the surety bonds of school officials or  
827 from any civil action brought under this subsection shall be  
828 applied toward the repayment of any loan made to a school district

829 hereunder.

830 (15) In the event a majority of the membership of the school  
831 board of any school district resigns from office, the State Board  
832 of Education shall be authorized to assign an interim conservator,  
833 who shall be responsible for the administration, management and  
834 operation of the school district until such time as new board  
835 members are selected or the Governor declares a state of emergency  
836 in that school district under subsection (11), whichever occurs  
837 first. In such case, the State Board of Education, acting through  
838 the interim conservator, shall have all powers which were held by  
839 the previously existing school board, and may take such action as  
840 prescribed in Section 37-17-13 and/or one or more of the actions  
841 authorized in this section.

842 (16) Beginning with the school district audits conducted for  
843 the 1997-1998 fiscal year, the State Board of Education, acting  
844 through the Commission on School Accreditation, shall require each  
845 school district to comply with standards established by the State  
846 Department of Audit for the verification of fixed assets and the  
847 auditing of fixed assets records as a minimum requirement for  
848 accreditation.

849 (17) Before December 1, 1999, the State Board of Education  
850 shall recommend a program to the Education Committees of the House  
851 of Representatives and the Senate for identifying and rewarding  
852 public schools that improve or are high-performing. The program  
853 shall be described by the board in a written report, which shall  
854 include criteria and a process through which improving schools and  
855 high-performing schools will be identified and rewarded.

856 The State Superintendent of Education and the State Board of  
857 Education also shall develop a comprehensive accountability plan  
858 to ensure that local school boards, superintendents, principals  
859 and teachers are held accountable for student achievement. A  
860 written report on the accountability plan shall be submitted to  
861 the Education Committees of both houses of the Legislature before  
862 December 1, 1999, with any necessary legislative recommendations.

863 SECTION 7. Section 37-7-306, Mississippi Code of 1972, is



864 amended as follows:

865 37-7-306. (1) Every school board member selected after July  
866 1, 2000, shall have a high school diploma or its equivalent.

867 (2) Every school board member selected after July 1, 1993,  
868 shall be required to complete a basic course of training and  
869 education for local school board members, in order for board  
870 members to carry out their duties more effectively and be exposed  
871 to new ideas involving school restructuring. Such basic course of  
872 training, approved by the State Board of Education, shall be  
873 conducted by the School Executive Management Institute of the  
874 State Department of Education. Upon completion of the basic  
875 course of training, the School Executive Management Institute  
876 shall file a certificate of completion for the school board member  
877 with the office of the local school board. In the event that a  
878 board member fails to complete such training within six (6) months  
879 of his selection, or six (6) months from April 15, 1993, such  
880 board member shall no longer be qualified to serve and shall be  
881 removed from office.

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

887 (4) Every school board member selected after July 1, 2000,  
888 shall spend at least one (1) full day in a school in the district  
889 they represent, without compensation.

890 (5) Upon the failure of any local school board member to  
891 file with the school board the certificate of completion of the  
892 basic course of training as provided in subsection (2) of this  
893 section, the school board member shall be removed from office by  
894 the Attorney General.

895 SECTION 8. The Attorney General of the State of Mississippi  
896 shall submit Sections 4 and 7 of this act, immediately upon  
897 approval by the Governor, or upon approval by the Legislature  
898 subsequent to a veto, to the Attorney General of the United States

899 or to the United States District Court for the District of  
900 Columbia in accordance with the provisions of the Voting Rights  
901 Act of 1965, as amended and extended.

902 SECTION 9. This act shall take effect and be in force from  
903 and after July 1, 2000; provided that Sections 4 and 7 shall take  
904 effect and be in force from and after the date it is effectuated  
905 under Section 5 of the Voting Rights Act of 1965, as amended and  
906 extended.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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 37-17-6, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE REMOVAL OF  
29 AN INTERIM CONSERVATOR AFTER 3 YEARS IN A SCHOOL DISTRICT IF THE  
30 SCHOOL DOES NOT DEMONSTRATE SUBSTANTIAL INSTRUCTIONAL IMPROVEMENT;  
31 TO AMEND SECTION 37-7-306, MISSISSIPPI CODE OF 1972, TO REQUIRE  
32 ALL LOCAL SCHOOL BOARD MEMBERS SELECTED AFTER JULY 1, 2004, TO  
33 HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT; AND FOR RELATED  
34 PURPOSES.