HOUSE BILL NO. 1320

AN ACT TO AMEND SECTION 37-151-9, MISSISSIPPI CODE OF 1972,
TO REQUIRE THE OFFICE OF EDUCATIONAL ACCOUNTABILITY OF THE
DEPARTMENT OF EDUCATION TO DEVELOP BEST PRACTICES FOR THE
MANAGEMENT OF PUBLIC SCHOOL DISTRICTS; TO ESTABLISH AN ADVISORY
BOARD TO ASSIST IN THE DEVELOPING OF THOSE PRACTICES; TO PROVIDE
FOR PILOT AUDITS OF BEST PRACTICES; TO PROVIDE FOR THE CREATION OF
A FIVE-YEAR CYCLE OF AUDITS FOR ALL SCHOOL DISTRICTS FOLLOWING
PILOT TESTING; TO PROVIDE THAT NO AUDITS OF THE FIVE-YEAR CYCLE
SHALL BE CONDUCTED IF THE LEGISLATURE DOES NOT SPECIFICALLY
APPROPRIATE FUNDS FOR THAT PURPOSE; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-151-9, Mississippi Code of 1972, is
amended as follows:

37-151-9. (1) The State Board of Education and State
Superintendent of Education shall establish within the State
Department of Education a special unit at the division level
called the Office of Educational Accountability. The Director of
the Office of Educational Accountability shall hold a position
comparable to a deputy superintendent and shall be appointed by
the State Board of Education with the advice and consent of the
Senate. He shall serve at the will and pleasure of the State
Board of Education and may employ necessary professional,
administrative and clerical staff. The Director of the Office of
Educational Accountability shall provide all reports to the
Legislature, Governor, Mississippi Commission on School
Accreditation and State Board of Education and respond to any
inquiries for information.

(2) The Office of Educational Accountability is responsible
for monitoring and reviewing programs developed under the
Education Reform Act, the Mississippi Adequate Education Program
Act of 1994, the Education Enhancement Fund, and subsequent
education initiatives, and shall provide information, recommendations and an annual assessment to the Legislature, Governor, Mississippi Commission on School Accreditation and the State Board of Education. Commencing in 1995, the annual assessment of education reform programs shall be performed by the Office of Educational Accountability by December 1 of each year.

The Office of Educational Accountability shall specifically monitor the implementation of Level III accreditation in all school districts, and shall make an assessment with recommendations to the 1996 Regular Session of the Legislature.

(3) In addition, the Office of Educational Accountability shall have the following specific duties and responsibilities:

(a) Developing and maintaining a system of communication with school district personnel;

(b) Provide opportunities for public comment on the current functions of the State Department of Education's programs, needed public education services and innovative suggestions;

(c) Assess both positive and negative impact on school districts of new education programs, including but not limited to The Mississippi Report Card and alternative school programs.

(4) The Office of Educational Accountability shall develop a set of education management best practices for the public school districts of the state. These best practices shall be prepared for the purpose of promoting the most efficient use of state and local resource utilization by the school districts. These best practices shall address the following areas of school district management:

(a) Management structures;

(b) Efficient delivery of educational services, including instructional materials;

(c) Administrative and instructional technology;

(d) Personnel systems and benefits management;

(e) Facilities construction;
(f) Facilities maintenance;

(g) Student transportation; and

(h) Food services operations.

(5) The best practices shall utilize the expenditure function codes in the Financial Accounting Manual for Public School Districts developed by the State Auditor, for instructional costs, administrative costs, operation and maintenance of plant costs, ancillary support costs and other function codes related to the described areas of cost. The Office of Accountability shall develop these best practices no later than March 1, 2004, and shall distribute a report of these proposed best practices to each school district for review and comment.

(6) There is established an Education Best Practices Advisory Board consisting of the following persons: three (3) lay persons appointed by the Governor, one (1) from each Supreme Court district; three (3) business persons appointed by the State Superintendent of Education, one (1) from each Supreme Court district; and three (3) persons involved in graduate education of teachers and administrators appointed by the Commissioner of Higher Education. The board shall be appointed no later than January 1, 2004, and shall serve until June 30, 2005. Members of the board may receive per diem and mileage as authorized by Sections 25-3-41 and 25-3-69. These shall be paid by the State Department of Education. The board shall:

(a) Review the recommended best practices and suggest revision to the Office of Educational Accountability;

(b) Review comments and suggestions from school districts;

(c) Review the results of pilot studies required by this act; and

(d) Make recommendations to the Office of Educational Accountability regarding possible revisions to the best practices based on the results of pilot studies.
(7) From funds appropriated by the Legislature for expenditure in fiscal year 2005, the Office of Educational Accountability shall conduct pilot studies of at least six (6) school districts to determine the following:

(a) The extent to which the districts are employing the best practices recommended by the Office of Educational Accountability; and

(b) District ability to capture and compile information needed to determine compliance with best practices.

The Office of Educational Accountability may seek proposals from contractors to perform these pilot studies. The board shall review all pilot studies and shall make recommendations in the Office of Educational Accountability on any revisions it deems necessary in the best practices. After completion of all pilot studies, the Office of Accountability shall prepare a report on its recommended best practices and distribute it to each school district and to the Legislature.

(9) From funds specifically appropriated for this purpose in fiscal year 2006, and for each year thereafter, the Office of Educational Accountability shall commence an annual cycle of evaluating each district's compliance with best practices. The office shall evaluate each district on a five-year cycle, in conducting reviews, the office may utilize the services of contractors if it determines that the requirements of the best practices review program would be best suited by their use. The office shall annually prepare a report to the Legislature on district compliance with best practices, and shall further extend certificates of merit to any district in compliance with the best practices. The office may at any time revise the best practices if it believes the revision is in the best interests of efficient and effective education. All cycle audits shall be submitted to the State Board of Education for its review and comment.
(10) The office shall not conduct any best practices reviews required by this section if funds are not specifically appropriated for that purpose.

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.