

By: Representative Fleming

To: Education;  
Appropriations

HOUSE BILL NO. 250

1 AN ACT TO CREATE THE STUDENT ACHIEVEMENT GUARANTEE IN  
2 EDUCATION ACT; TO PROVIDE THE REQUIREMENTS FOR A SCHOOL BOARD TO  
3 PARTICIPATE IN THE ACHIEVEMENT GUARANTEE CONTRACT PROGRAM; TO  
4 PROVIDE FOR THE TERMINATION OF A STUDENT ACHIEVEMENT GUARANTEE  
5 CONTRACT; TO PROVIDE FOR FUNDING TO EACH SCHOOL DISTRICT  
6 PARTICIPATING IN THE ACHIEVEMENT GUARANTEE CONTRACT PROGRAM; TO  
7 AMEND SECTION 37-151-77, MISSISSIPPI CODE OF 1972, TO CONFORM WITH  
8 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** This act shall be known as the Mississippi  
11 Student Achievement Guarantee in Education Act.

12 **SECTION 2.** The following definitions shall govern  
13 construction and meaning of the terms used in this act:

14 (a) "Class size" means the number of pupils assigned to  
15 a regular classroom teacher on the third Friday of September.

16 (b) "Low income" means the measure of low income that  
17 is determined by the State Department of Education.

18 (c) "Department" means the State Department of  
19 Education.

20 **SECTION 3.** (1) The school board of any school district in  
21 which a school in the previous school year had an enrollment of at  
22 least fifty percent (50%) low-income students is eligible to  
23 participate in the achievement guarantee contract program.

24 (2) If, in any year, eligible school districts apply for  
25 more achievement guarantee contracts than are possible within the  
26 budget appropriated for this purpose, the department shall  
27 determine which school boards to contract with based on the number  
28 of low-income pupils in kindergarten and Grade 1 enrolled in the  
29 schools, and on the balance of rural and urban school districts

30 currently participating in the achievement guarantee contract  
31 program.

32 (3) A selected school district shall enter into an  
33 achievement guarantee contract on behalf of up to ten (10)  
34 schools.

35 **SECTION 4.** (1) An achievement guarantee contract shall  
36 require the school board to do all of the following in each  
37 participating school:

38 (a) Class size - reduce each class size to fifteen (15)  
39 in the following manner:

40 (i) In the first year of participation, in at  
41 least kindergarten and Grade 1.

42 (ii) In the second year of participation, in at  
43 least kindergarten and Grades 1 and 2.

44 (iii) In the third year of participation, in at  
45 least kindergarten and Grades 1, 2 and 3.

46 (b) Education and human services, which shall include:

47 (i) Keeping school buildings open to accommodate  
48 before school and after school enrichment programs.

49 (ii) Collaborating with community organizations to  
50 make educational and recreational opportunities, as well as a  
51 variety of community and social services, available in the school  
52 to all school district residents.

53 (c) Curriculum, which shall include:

54 (i) Providing a rigorous academic curriculum  
55 designed to improve pupil academic achievement.

56 (ii) In consultation with the department, and with  
57 the participation of the school's professional staff and school  
58 district residents, a review of the school's current curriculum to  
59 determine how well it promotes pupil academic achievement.

60 (iii) If necessary, an outline of any changes to  
61 the curriculum to improve pupil academic achievement.

62 (d) Staff development and accountability, which shall  
63 include:

64 (i) The development of a one-year program for all  
65 newly hired professional staff that helps them make the transition  
66 from their previous employment or school to their current  
67 employment.

68 (ii) Providing time for employees to collaborate  
69 and plan.

70 (iii) Requiring that each teacher and  
71 administrator submit to the school board a professional  
72 development plan that focuses on how he or she will help improve  
73 student academic achievement. The plan shall include a method by  
74 which the staff member will receive evaluations on the success of  
75 his or her efforts from a variety of sources.

76 (iv) Regular review of staff development plans to  
77 determine whether they are effective in helping to improve pupil  
78 academic achievement.

79 (e) Establishing an evaluation process for professional  
80 staff that does all of the following:

81 (i) Identifies individual strengths and  
82 weaknesses.

83 (ii) Clearly describes areas in need of  
84 improvement.

85 (iii) Includes a support plan that provides  
86 opportunities to learn and improve.

87 (iv) Systematically documents performance in  
88 accordance with the plan.

89 (v) Allows professional staff members to comment  
90 on and contribute to revisions in the evaluation process.

91 (vi) Provides for the dismissal of professional  
92 staff members whose failure to learn and improve has been  
93 documented over a two (2) year period.

94           (2) Each achievement guarantee contract shall include all of  
95 the following:

96           (a) A description of how each school will implement  
97 each of the elements under subsection (1) of this section,  
98 including any alternative class configurations for specific  
99 educational activities that may be used to meet the class size  
100 requirements.

101           (b) A description of the method that the school  
102 district will use to evaluate the academic achievement of the  
103 students enrolled in the school.

104           (c) A description of each school's performance  
105 objectives for the academic achievement of the students enrolled  
106 in the school and the means that will be used to evaluate success  
107 in attaining the objectives. Performance objectives shall include  
108 the following:

109           (i) Where applicable, improvement in scores of  
110 tests administered to students under the statewide testing program  
111 in Sections 37-16-1 through 37-16-13.

112           (ii) The attainment of any educational goals  
113 adopted by the school board.

114           (iii) Professional development objectives.

115           (d) A description of the methods by which the school  
116 involves students, parents or guardians of students and other  
117 school district residents in decisions affecting the school.

118           (e) A description of any statute or rule that is waived  
119 under Mississippi law if the waiver is related to the contract.

120           (f) A description of the means by which the department  
121 will monitor compliance with the terms of the contract.

122           **SECTION 5.** (1) At the end of each school year, the  
123 department may terminate an achievement guarantee contract if a  
124 school board has failed to fully implement the provisions under  
125 Section 4 of this act. Annually, by June 30, a committee  
126 consisting of the State Superintendent of Public Education, the

127 chairpersons of the Education Committees of the Senate and House  
128 of Representatives, and the individual chiefly responsible for the  
129 evaluation as appointed by the department shall review the  
130 progress made by each participating school. The committee may  
131 recommend that the department terminate a contract if the  
132 committee determines that the school board has violated the  
133 contract or if the school has made insufficient progress toward  
134 achieving its performance objectives. The department may  
135 terminate the contract if it agrees with the committee's  
136 recommendation.

137 (2) The Department shall arrange for an annual and  
138 independent evaluation of the program.

139 **SECTION 6.** (1) From funds specifically appropriated for  
140 this purpose, the department shall pay to each participating  
141 school district Two Thousand Dollars (\$2,000.00) multiplied by the  
142 number of low-income students enrolled in Grades kindergarten  
143 through 3 in each participating school covered by achievement  
144 guarantee contracts.

145 (2) The department shall cease payments under this section  
146 to any school district if the school board withdraws from the  
147 contract before it expires.

148 (3) The department shall promulgate rules to implement and  
149 administer the payment of state aid under this section.

150 **SECTION 7.** Section 37-151-77, Mississippi Code of 1972, is  
151 amended as follows:

152 37-151-77. To qualify for funds provided in this chapter,  
153 each school district shall not exceed a pupil-teacher ratio based  
154 on enrollment in Grades 1, 2, 3 and 4 as follows: 27:1

155 For Grades kindergarten and 5 through 12, pupil-teacher ratio  
156 shall be determined based on appropriate accreditation standards  
157 developed by the Mississippi Commission on School Accreditation.

158 For schools having an achievement guarantee contract with the  
159 State Department of Education, the pupil teacher ratio of the

160 participating school shall be determined by the requirements under  
161 Section 4(1)(a) of this act.

162 Any local district may apply to the State Board of Education  
163 for approval of a waiver to this section by submitting and  
164 justifying an alternative educational program to serve the needs  
165 of enrollment in Grades kindergarten and 1 through 4. The State  
166 Board of Education shall approve or disapprove of such waiver  
167 forty-five (45) days after receipt of such application. If a  
168 school district violates the provisions of this section, the state  
169 aid for the ensuing fiscal year to such school district shall be  
170 reduced by the percentage variance that the actual pupil-teacher  
171 ratios in such school district has to the required pupil-teacher  
172 ratios mandated in this section. Provided, that notwithstanding  
173 the provisions of this section, the State Board of Education is  
174 authorized to waive the pupil-teacher requirements specified  
175 herein upon a finding that a good faith effort is being made by  
176 the school district concerned to comply with the ratio provisions  
177 but that for lack of classroom space which was beyond its control  
178 it is physically impossible for the district to comply, and the  
179 cost of temporary classroom space cannot be justified. In the  
180 event any school district meets Level 4 or 5 accreditation  
181 standards, the State Board of Education may, in its discretion,  
182 exempt such school district from the maximum pupil-teacher ratio  
183 in Grades 1, 2, 3 and 4 prescribed herein.

184 **SECTION 8.** This act shall take effect and be in force from  
185 and after July 1, 2004.