

By: Representative Fleming

To: Education;
Appropriations

HOUSE BILL NO. 43

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-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, 2005.