## Adopted AMENDMENT NO 1 PROPOSED TO

Senate Bill No. 2274

## BY: Senator(s) Tollison

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

9 SECTION 1. Section 37-17-6, Mississippi Code of 1972, is 10 amended as follows:

11 37-17-6. (1) The State Board of Education, acting through 12 the Commission on School Accreditation, shall establish and 13 implement a permanent performance-based accreditation system, and 14 all public elementary and secondary schools shall be accredited 15 under this system.

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

21 (3) (a) Beginning with the 1994-1995 school year, the State 22 Board of Education, acting through the Commission on School Accreditation, shall require that school districts employ 23 24 certified school librarians according to the following formula: 25 Number of Students Number of Certified Per School Library School Librarians 26 27 0 - 499 Students 1/2 Full-time Equivalent

Certified Librarian 28 29 500 or More Students 1 Full-time Certified 30 Librarian 31 (b) The State Board of Education, however, may increase 32 the number of positions beyond the above requirements. The assignment of such school librarians to the 33 (C) particular schools shall be at the discretion of the local school 34 35 district. No individual shall be employed as a certified school librarian without appropriate training and certification as a 36 school librarian by the State Department of Education. 37 38 (d) School librarians in such district shall spend at least fifty percent (50%) of direct work time in a school library 39 40 and shall devote no more than one-fourth (1/4) of the workday to administrative activities which are library related. 41 42 (e) Nothing in this subsection shall prohibit any school district from employing more certified school librarians 43 44 than are provided for in this section. 45 (f) Any additional millage levied to fund school librarians required for accreditation under this subsection shall 46 47 be included in the tax increase limitation set forth in Sections 37-57-105 and 37-57-107 and shall not be deemed a new program for 48 49 purposes of the limitation. 50 On or before December 31, 2002, the State Board of (4) 51 Education shall implement the performance-based accreditation 52 system for school districts and for individual schools which shall include the following: 53 54 (a) High expectations for students and high standards for all schools, with a focus on the basic curriculum; 55 56 (b) Strong accountability for results with appropriate 57 local flexibility for local implementation; 58 (c) A process to implement accountability at both the 59 school district level and the school level;

60 (d) Individual schools shall be held accountable for61 student growth and performance;

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

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

68 (g) A determination of which schools are failing to 69 meet their standards and a determination of the appropriate role 70 of the State Board of Education and the State Department of 71 Education in providing assistance and initiating possible 72 intervention; and

73 (h) Development of a comprehensive student assessment74 system to implement these requirements.

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

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

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

87 (7) The State Board of Education shall be specifically
88 authorized and empowered to withhold adequate minimum education
89 program or adequate education program fund allocations, whichever
90 is applicable, to any public school district for failure to timely

91 report student, school personnel and fiscal data necessary to meet 92 state and/or federal requirements.

93 (8) Deleted.

94 (9) The State Board of Education shall establish, for those 95 school districts failing to meet accreditation standards, a 96 program of development to be complied with in order to receive 97 state funds, except as otherwise provided in subsection (14) of this section when the Governor has declared a state of emergency 98 99 in a school district or as otherwise provided in Section 206, Mississippi Constitution of 1890. The state board, in 100 101 establishing these standards, shall provide for notice to schools 102 and sufficient time and aid to enable schools to attempt to meet 103 these standards, unless procedures under subsection (14) of this 104 section have been invoked.

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

108 (a) Develop an impairment report for each district
109 failing to meet accreditation standards in conjunction with school
110 district officials;

(b) Notify any applicable school district failing to 111 112 meet accreditation standards that it is on probation until corrective actions are taken or until the deficiencies have been 113 removed. The local school district shall develop a corrective 114 115 action plan to improve its deficiencies. For district academic deficiencies, the corrective action plan for each such school 116 117 district shall be based upon a complete analysis of the following: student test data, student grades, student attendance reports, 118 student drop-out data, existence and other relevant data. 119 The 120 corrective action plan shall describe the specific measures to be 121 taken by the particular school district and school to improve: 122 (a) instruction; (b) curriculum; (c) professional development; (d)

personnel and classroom organization; (e) student incentives for 123 124 performance; (f) process deficiencies; and (g) reporting to the 125 local school board, parents and the community. The corrective 126 action plan shall describe the specific individuals responsible 127 for implementing each component of the recommendation and how each 128 will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision 129 of the State Board of Education establishing the probationary 130 131 period of time shall be final;

(c) Offer, during the probationary period, technical 132 133 assistance to the school district in making corrective actions. Beginning July 1, 1998, subject to the availability of funds, the 134 135 State Department of Education shall provide technical and/or 136 financial assistance to all such school districts in order to 137 implement each measure identified in that district's corrective 138 action plan through professional development and on-site 139 assistance. Each such school district shall apply for and utilize 140 all available federal funding in order to support its corrective action plan in addition to state funds made available under this 141 142 paragraph;

(d) <u>Assign department personnel or</u> contract, in its discretion, with the institutions of higher learning or other appropriate private entities <u>with experience in the academic</u>, finance and other operational functions of schools to assist school districts;

(e) Provide for publication of public notice at least
one (1) time during the probationary period, in a newspaper
published within the jurisdiction of the school district failing
to meet accreditation standards, or if no newspaper is published
therein, then in a newspaper having a general circulation therein.
The publication shall include the following: declaration of
school system's status as being on probation; all details relating

to the impairment report, and other information as the State Board of Education deems appropriate. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

159 (11)(a) If the recommendations for corrective action are 160 not taken by the local school district or if the deficiencies are not removed by the end of the probationary period, the Commission 161 162 on School Accreditation shall conduct a hearing to allow such 163 affected school district to present evidence or other reasons why 164 its accreditation should not be withdrawn. Subsequent to its 165 consideration of the results of such hearing, the Commission on 166 School Accreditation shall be authorized, with the approval of the 167 State Board of Education, to withdraw the accreditation of a public school district, and issue a request to the Governor that a 168 169 state of emergency be declared in that district.

170 If the State Board of Education and the Commission (b) on School Accreditation determine that an extreme emergency 171 172 situation exists in a school district which jeopardizes the safety, security or educational interests of the children enrolled 173 174 in the schools in that district and such emergency situation is 175 believed to be related to a serious violation or violations of 176 accreditation standards or state or federal law, the State Board of Education may request the Governor to declare a state of 177 178 emergency in that school district. For purposes of this 179 paragraph, such declarations of a state of emergency shall not be limited to those instances when a school district's impairments 180 181 are related to a lack of financial resources, but also shall 182 include serious failure to meet minimum academic standards, as evidenced by a continued pattern of poor student performance. 183 184 (c) Whenever the Governor declares a state of emergency 185 in a school district in response to a request made under paragraph

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186 (a) or (b) of this subsection, the State Board of Education may 187 take one or more of the following actions:

(i) Declare a state of emergency, under which some 188 189 or all of state funds can be escrowed except as otherwise provided 190 in Section 206, Constitution of 1890, until the board determines 191 corrective actions are being taken or the deficiencies have been 192 removed, or that the needs of students warrant the release of 193 funds. Such funds may be released from escrow for any program 194 which the board determines to have been restored to standard even though the state of emergency may not as yet be terminated for the 195 196 district as a whole;

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

(iii) Assign an interim conservator, or in its discretion, contract with a private entity with experience in the academic, finance and other operational functions of schools and school districts, who will have those powers and duties prescribed in subsection (14) of this section;

207 (iv) Grant transfers to students who attend this 208 school district so that they may attend other accredited schools 209 or districts in a manner which is not in violation of state or 210 federal law;

(v) <u>Issue a written request with documentation to</u> the Governor asking that the office of the superintendent of such school district be subject to recall. Whenever the Governor declares that the office of the superintendent of such school district is subject to recall, the local school board or the county election commission, as the case may be, shall take the following action:

218	1. If the office of superintendent is an
219	elected office, in those years in which there is no general
220	election, the name shall be submitted by the State Board of
221	Education to the county election commission at least sixty (60)
222	days before the next regular special election, and the county
223	election commission shall submit the question at the next regular
224	special election to the voters eligible to vote for the office of
225	superintendent within the county. The ballot shall read
226	substantially as follows:
227	"Shall county superintendent of education (here
228	the name of the superintendent shall be inserted) of the
229	(here the title of the school district shall be inserted) be
230	retained in office? Yes No"
231	If a majority of those voting on the question votes against
232	retaining the superintendent in office, a vacancy shall exist
233	which shall be filled in the manner provided by law; otherwise,
234	the superintendent shall remain in office for the term of such
235	office, and at the expiration of such term shall be eligible for
236	qualification and election to another term or terms.
237	2. If the office of superintendent is an
238	appointive office, the name of the superintendent shall be
239	submitted by the president of the local school board at the next
240	regular meeting of the school board for retention in office or
241	dismissal from office. If a majority of the school board voting
242	on the question vote against retaining the superintendent in
243	office, a vacancy shall exist which shall be filled as provided by
244	law. Otherwise the superintendent shall remain in office for the
245	duration of his employment contract.
246	(vi) Issue a written request with documentation to
247	the Governor that the membership of the school board of such
248	school district shall be subject to recall. Whenever the Governor
249	declares that the membership of the school board shall be subject

250 to recall, the county election commission or the local governing 251 authorities, as the case may be, shall take the following action: 252 1. If the members of the local school board 253 are elected to office, in those years in which the specific 254 member's office is not up for election, the name of the school 255 board member shall be admitted by the State Board of Education to 256 the county election commission at least sixty (60) days before the next regular special election, and the county election commission 257 258 at the next regular special election shall submit the question to the voters eligible to vote for the particular member's office 259 260 within the county or school district, as the case may be. The 261 ballot shall read substantially as follows: 262 "Members of the (here the title of the school 263 district shall be inserted) School Board who are not up for 264 election this year are subject to recall because of the Governor's 265 declaration of an emergency in the school district. Shall the member of the school board representing this area, 266 267 (here the name of the school board member holding the office shall 268 be inserted), be retained in office? Yes No 269 If a majority of those voting on the question vote against 270 retaining the member of the school board in office, a vacancy in that board member's office shall exist which shall be filled in 271 272 the manner provided by law; otherwise, the school board member shall remain in office for the term of such office, and at the 273 274 expiration of the term of office, the member shall be eligible for qualification and election to another term or terms of office. 275 276 However, if a majority of the school board members are recalled in 277 the regular special election, the Governor shall authorize the board of supervisors of the county in which the school district is 278 279 situated to appoint members to fill the offices of the members 280 recalled. The board of supervisors shall make such appointments in the manner provided by law for filling vacancies on the school 281

282 board, and the appointed members shall serve until the office is

283 filled at the next regular special or general election. 284 2. If the local school board is an appointed 285 school board, the name of all school board members shall be 286 submitted as a collective board by the president of the municipal or county governing authority, as the case may be, at the next 287 288 regular meeting of the governing authority for retention in office or dismissal from office. If a majority of the governing 289 290 authority voting on the question vote against retaining the board in office, a vacancy shall exist in each school board member's 291 292 office, which shall be filled as provided by law; otherwise, the 293 members of the appointed school board shall remain in office for 294 the duration of their term of appointment, and such members may be 295 reappointed. 296 3. If the local school board is comprised of both elected and appointed members, the elected members shall be 297

298 the subject to recall in the manner provided in item 1 of this 299 subsection. Appointed members shall be subject to recall in the 300 manner provided in item 2.

(vii) For states of emergency declared under 301 302 paragraph (a) only, if the accreditation deficiencies are related 303 to the fact that the school district is too small, with too few 304 resources, to meet the required standards and if another school district is willing to accept those students, abolish that 305 306 district and assign that territory to another school district or 307 districts. If the school district has proposed a voluntary consolidation with another school district or districts, then if 308 309 the State Board of Education finds that it is in the best interest of the pupils of the district for such consolidation to proceed, 310 the voluntary consolidation shall have priority over any such 311 312 assignment of territory by the State Board of Education;

(viii) For states of emergency declared under 313 314 paragraph (b) only, reduce local supplements paid to school district employees, including, but not limited to, instructional 315 316 personnel, assistant teachers and extracurricular activities 317 personnel, if the district's impairment is related to a lack of 318 financial resources, but only to an extent which will result in 319 the salaries being comparable to districts similarly situated, as 320 determined by the State Board of Education;

321 (ix) For states of emergency declared under
 322 paragraph (b) only, the State Board of Education must take such
 323 action as prescribed in Section 37-17-13.

324 (d) At such time as satisfactory corrective action has
325 been taken in a school district in which a state of emergency has
326 been declared, the State Board of Education may request the
327 Governor to declare that the state of emergency no longer exists
328 in the district.

(e) Not later than July 1 of each year, the State 329 330 Department of Education shall develop an itemized accounting of the expenditures associated with the management of the conservator 331 332 process with regard to each school district in which a conservator has been appointed, and an assessment as to the extent to which 333 334 the conservator has achieved, or failed to achieve, the goals for 335 which the conservator was appointed to guide the local school 336 district.

337 (12)Upon the declaration of a state of emergency in a school district under subsection (11) of this section, the 338 339 Commission on School Accreditation shall be responsible for public 340 notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the 341 342 school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a 343 344 general circulation therein. The size of such notice shall be no

smaller than one-fourth (1/4) of a standard newspaper page and 345 346 shall be printed in bold print. If a conservator has been 347 appointed for the school district, such notice shall begin as 348 follows: "By authority of Section 37-17-6, Mississippi Code of 349 1972, as amended, adopted by the Mississippi Legislature during 350 the 1991 Regular Session, this school district (name of school 351 district) is hereby placed under the jurisdiction of the State 352 Department of Education acting through its appointed conservator 353 (name of conservator)."

The notice also shall include, in the discretion of the State 354 355 Board of Education, any or all details relating to the school district's emergency status, including the declaration of a state 356 357 of emergency in the school district and a description of the 358 district's impairment deficiencies, conditions of any 359 conservatorship and corrective actions recommended and being 360 taken. Public notices issued under this section shall be subject 361 to Section 13-3-31 and not contrary to other laws regarding 362 newspaper publication.

363 Upon termination of the state of emergency in a school 364 district, the Commission on School Accreditation shall cause 365 notice to be published in the school district in the same manner 366 provided in this section, to include any or all details relating 367 to the corrective action taken in the school district which 368 resulted in the termination of the state of emergency.

369 (13) The State Board of Education or the Commission on 370 School Accreditation shall have the authority to require school 371 districts to produce the necessary reports, correspondence, 372 financial statements, and any other documents and information 373 necessary to fulfill the requirements of this section.

374 Nothing in this section shall be construed to grant any 375 individual, corporation, board or conservator the authority to

376 levy taxes except in accordance with presently existing statutory 377 provisions.

(14) (a) Whenever the Governor declares a state of 378 379 emergency in a school district in response to a request made under 380 subsection (11) of this section, the State Board of Education, in 381 its discretion, may assign an interim conservator to the school 382 district, or in its discretion, may contract with an appropriate 383 private entity with experience in the academic, finance and other 384 operational functions of schools and school districts, who will be responsible for the administration, management and operation of 385 386 the school district, including, but not limited to, the following 387 activities:

388 (i) Approving or disapproving all financial 389 obligations of the district, including, but not limited to, the 390 employment, termination, nonrenewal and reassignment of all 391 certified and noncertified personnel, contractual agreements and 392 purchase orders, and approving or disapproving all claim dockets 393 and the issuance of checks; in approving or disapproving 394 employment contracts of superintendents, assistant superintendents 395 or principals, the interim conservator shall not be required to 396 comply with the time limitations prescribed in Sections 37-9-15 397 and 37-9-105;

398 (ii) Supervising the day-to-day activities of the 399 district's staff, including reassigning the duties and 400 responsibilities of personnel in a manner which, in the 401 determination of the conservator, will best suit the needs of the 402 district;

403 (iii) Reviewing the district's total financial 404 obligations and operations and making recommendations to the 405 district for cost savings, including, but not limited to, 406 reassigning the duties and responsibilities of staff;

407 (iv) Attending all meetings of the district's408 school board and administrative staff;

409 (v) Approving or disapproving all athletic, band 410 and other extracurricular activities and any matters related to 411 those activities;

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

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

419 (viii) Appointing a parent advisory committee,
420 comprised of parents of students in the school district, which may
421 make recommendations to the conservator concerning the
422 administration, management and operation of the school district.

Except when, in the determination of the State Board of 423 424 Education, the school district's impairment is related to a lack 425 of financial resources, the cost of the salary of the conservator 426 and any other actual and necessary costs related to the 427 conservatorship paid by the State Department of Education shall be 428 reimbursed by the local school district from nonminimum program 429 funds. The department shall submit an itemized statement to the superintendent of the local school district for reimbursement 430 431 purposes, and any unpaid balance may be withheld from the district's minimum or adequate education program funds. 432

At such time as the Governor, pursuant to the request of the A34 State Board of Education, declares that the state of emergency no A35 longer exists in a school district, the powers and A36 responsibilities of the interim conservator assigned to such A37 district shall cease.

In order to provide loans to school districts under 438 (b) 439 a state of emergency which have impairments related to a lack of financial resources, the School District Emergency Assistance Fund 440 441 is created as a special fund in the State Treasury into which monies may be transferred or appropriated by the Legislature from 442 443 any available public education funds. The maximum amount that may 444 be appropriated or transferred to the School District Emergency 445 Assistance Fund for any one (1) emergency shall be Two Million 446 Dollars (\$2,000,000.00), and the maximum amount that may be appropriated during any fiscal year shall be Three Million Dollars 447 448 (\$3,000,000.00).

449 The State Board of Education may loan monies from the School 450 District Emergency Assistance Fund to a school district that is 451 under a state of emergency in such amounts, as determined by the 452 board, which are necessary to correct the district's impairments 453 related to a lack of financial resources. The loans shall be evidenced by an agreement between the school district and the 454 455 State Board of Education and shall be repayable in principal, 456 without necessity of interest, to the State General Fund or the 457 Education Enhancement Fund, depending on the source of funding for 458 such loan, by the school district from any allowable funds that 459 are available. The total amount loaned to the district shall be 460 due and payable within five (5) years after the impairments related to a lack of financial resources are corrected. 461 If a 462 school district fails to make payments on the loan in accordance 463 with the terms of the agreement between the district and the State 464 Board of Education, the State Department of Education, in 465 accordance with rules and regulations established by the State 466 Board of Education, may withhold that district's minimum program 467 funds in an amount and manner that will effectuate repayment 468 consistent with the terms of the agreement; such funds withheld by

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469 the department shall be deposited into the State General Fund or 470 the Education Enhancement Fund, as the case may be.

If the State Board of Education determines that an extreme 471 472 emergency exists, simultaneous with the powers exercised in this 473 subsection, it shall take immediate action against all parties 474 responsible for the affected school districts having been 475 determined to be in an extreme emergency. Such action shall 476 include, but not be limited to, initiating civil actions to 477 recover funds and criminal actions to account for criminal activity. Any funds recovered by the State Auditor or the State 478 479 Board of Education from the surety bonds of school officials or 480 from any civil action brought under this subsection shall be 481 applied toward the repayment of any loan made to a school district 482 hereunder.

(15) In the event a majority of the membership of the school 483 484 board of any school district resigns from office, the State Board 485 of Education shall be authorized to assign an interim conservator, 486 who shall be responsible for the administration, management and 487 operation of the school district until such time as new board 488 members are selected or the Governor declares a state of emergency 489 in that school district under subsection (11), whichever occurs 490 first. In such case, the State Board of Education, acting through 491 the interim conservator, shall have all powers which were held by the previously existing school board, and may take such action as 492 493 prescribed in Section 37-17-13 and/or one or more of the actions 494 authorized in this section.

(16) Beginning with the school district audits conducted for the 1997-1998 fiscal year, the State Board of Education, acting through the Commission on School Accreditation, shall require each school district to comply with standards established by the State Department of Audit for the verification of fixed assets and the

500 auditing of fixed assets records as a minimum requirement for 501 accreditation.

502 (17) Before December 1, 1999, the State Board of Education 503 shall recommend a program to the Education Committees of the House 504 of Representatives and the Senate for identifying and rewarding 505 public schools that improve or are high performing. The program 506 shall be described by the board in a written report, which shall 507 include criteria and a process through which improving schools and 508 high-performing schools will be identified and rewarded.

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

516 SECTION 2. The Attorney General of the State of Mississippi 517 shall submit this act, immediately upon approval by the Governor, 518 or upon approval by the Legislature subsequent to a veto, to the 519 Attorney General of the United States or to the United States 520 District Court for the District of Columbia in accordance with the 521 provisions of the Voting Rights Act of 1965, as amended and 522 extended.

523 **SECTION 3.** This act shall take effect and be in force from 524 and after the date it is effectuated under Section 5 of the Voting 525 Rights Act of 1965, as amended and extended.

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

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO 2 AUTHORIZE THE STATE BOARD OF EDUCATION TO CONTRACT WITH AN 3 APPROPRIATE PRIVATE ENTITY TO PERFORM MANAGEMENT OVERSIGHT 4 FUNCTIONS FOR SCHOOL DISTRICTS UNDER STATE CONSERVATORSHIP; TO 5 REVISE SANCTIONS FOR SCHOOL DISTRICTS UNDER CONSERVATORSHIP; TO 6 CONFORM TO THOSE APPLICABLE TO PRIORITY SCHOOLS; AND FOR RELATED 7 PURPOSES.