

By: Representatives Brown,  
Watson

To: Education

HOUSE BILL NO. 19

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE STATE BOARD OF EDUCATION TO EXEMPT CERTAIN SCHOOLS  
3 FROM ACCOUNTABILITY STANDARDS DUE TO HURRICANE KATRINA OF 2005;  
4 AND FOR RELATED PURPOSES.

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

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

8 37-17-6. (1) The State Board of Education, acting through  
9 the Commission on School Accreditation, shall establish and  
10 implement a permanent performance-based accreditation system, and  
11 all public elementary and secondary schools shall be accredited  
12 under this system.

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

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

22	Number of Students	Number of Certified
23	Per School Library	School Librarians
24	0 - 499 Students	½ Full-time Equivalent
25		Certified Librarian
26	500 or More Students	1 Full-time Certified
27		Librarian

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

30           (c) The assignment of such school librarians to the  
31 particular schools shall be at the discretion of the local school  
32 district. No individual shall be employed as a certified school  
33 librarian without appropriate training and certification as a  
34 school librarian by the State Department of Education.

35           (d) School librarians in such district shall spend at  
36 least fifty percent (50%) of direct work time in a school library  
37 and shall devote no more than one-fourth (1/4) of the workday to  
38 administrative activities which are library related.

39           (e) Nothing in this subsection shall prohibit any  
40 school district from employing more certified school librarians  
41 than are provided for in this section.

42           (f) Any additional mileage levied to fund school  
43 librarians required for accreditation under this subsection shall  
44 be included in the tax increase limitation set forth in Sections  
45 37-57-105 and 37-57-107 and shall not be deemed a new program for  
46 purposes of the limitation.

47           (4) On or before December 31, 2002, the State Board of  
48 Education shall implement the performance-based accreditation  
49 system for school districts and for individual schools which shall  
50 include the following:

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

53           (b) Strong accountability for results with appropriate  
54 local flexibility for local implementation;

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

57           (d) Individual schools shall be held accountable for  
58 student growth and performance;

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

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

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

70           (h) Development of a comprehensive student assessment  
71 system to implement these requirements; and

72           (i) The State Board of Education may, based on a  
73 written request from the school districts affected by Hurricane  
74 Katrina of 2005, to hold harmless and/or exempt the affected  
75 school district from any accountability standards for the  
76 2005-2006 school year.

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

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

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

89           (7) The State Board of Education shall be specifically  
90 authorized and empowered to withhold adequate minimum education  
91 program or adequate education program fund allocations, whichever

92 is applicable, to any public school district for failure to timely  
93 report student, school personnel and fiscal data necessary to meet  
94 state and/or federal requirements.

95 (8) Deleted.

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

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

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

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

124 (a) instruction; (b) curriculum; (c) professional development; (d)

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

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

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

148 (e) Provide for publication of public notice at least  
149 one (1) time during the probationary period, in a newspaper  
150 published within the jurisdiction of the school district failing  
151 to meet accreditation standards, or if no newspaper is published  
152 therein, then in a newspaper having a general circulation therein.  
153 The publication shall include the following: declaration of  
154 school system's status as being on probation; all details relating  
155 to the impairment report, and other information as the State Board  
156 of Education deems appropriate. Public notices issued under this

157 section shall be subject to Section 13-3-31 and not contrary to  
158 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  
161 not removed by the end of the probationary period, the Commission  
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  
168 public school district, and issue a request to the Governor that a  
169 state of emergency be declared in that district.

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

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

188 (i) Declare a state of emergency, under which some  
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  
195 though the state of emergency may not as yet be terminated for the  
196 district as a whole;

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

202 (iii) Assign an interim conservator who will have  
203 those powers and duties prescribed in subsection (14) of this  
204 section;

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

209 (v) For states of emergency declared under  
210 paragraph (a) only, if the accreditation deficiencies are related  
211 to the fact that the school district is too small, with too few  
212 resources, to meet the required standards and if another school  
213 district is willing to accept those students, abolish that  
214 district and assign that territory to another school district or  
215 districts. If the school district has proposed a voluntary  
216 consolidation with another school district or districts, then if  
217 the State Board of Education finds that it is in the best interest  
218 of the pupils of the district for such consolidation to proceed,  
219 the voluntary consolidation shall have priority over any such  
220 assignment of territory by the State Board of Education;

221 (vi) For states of emergency declared under  
222 paragraph (b) only, reduce local supplements paid to school

223 district employees, including, but not limited to, instructional  
224 personnel, assistant teachers and extracurricular activities  
225 personnel, if the district's impairment is related to a lack of  
226 financial resources, but only to an extent which will result in  
227 the salaries being comparable to districts similarly situated, as  
228 determined by the State Board of Education;

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

232 (d) At such time as satisfactory corrective action has  
233 been taken in a school district in which a state of emergency has  
234 been declared, the State Board of Education may request the  
235 Governor to declare that the state of emergency no longer exists  
236 in the district.

237 (e) Not later than July 1 of each year, the State  
238 Department of Education shall develop an itemized accounting of  
239 the expenditures associated with the management of the conservator  
240 process with regard to each school district in which a conservator  
241 has been appointed, and an assessment as to the extent to which  
242 the conservator has achieved, or failed to achieve, the goals for  
243 which the conservator was appointed to guide the local school  
244 district.

245 (12) Upon the declaration of a state of emergency in a  
246 school district under subsection (11) of this section, the  
247 Commission on School Accreditation shall be responsible for public  
248 notice at least once a week for at least three (3) consecutive  
249 weeks in a newspaper published within the jurisdiction of the  
250 school district failing to meet accreditation standards, or if no  
251 newspaper is published therein, then in a newspaper having a  
252 general circulation therein. The size of such notice shall be no  
253 smaller than one-fourth (1/4) of a standard newspaper page and  
254 shall be printed in bold print. If a conservator has been  
255 appointed for the school district, such notice shall begin as



256 follows: "By authority of Section 37-17-6, Mississippi Code of  
257 1972, as amended, adopted by the Mississippi Legislature during  
258 the 1991 Regular Session, this school district (name of school  
259 district) is hereby placed under the jurisdiction of the State  
260 Department of Education acting through its appointed conservator  
261 (name of conservator)."

262 The notice also shall include, in the discretion of the State  
263 Board of Education, any or all details relating to the school  
264 district's emergency status, including the declaration of a state  
265 of emergency in the school district and a description of the  
266 district's impairment deficiencies, conditions of any  
267 conservatorship and corrective actions recommended and being  
268 taken. Public notices issued under this section shall be subject  
269 to Section 13-3-31 and not contrary to other laws regarding  
270 newspaper publication.

271 Upon termination of the state of emergency in a school  
272 district, the Commission on School Accreditation shall cause  
273 notice to be published in the school district in the same manner  
274 provided in this section, to include any or all details relating  
275 to the corrective action taken in the school district which  
276 resulted in the termination of the state of emergency.

277 (13) The State Board of Education or the Commission on  
278 School Accreditation shall have the authority to require school  
279 districts to produce the necessary reports, correspondence,  
280 financial statements, and any other documents and information  
281 necessary to fulfill the requirements of this section.

282 Nothing in this section shall be construed to grant any  
283 individual, corporation, board or conservator the authority to  
284 levy taxes except in accordance with presently existing statutory  
285 provisions.

286 (14) (a) Whenever the Governor declares a state of  
287 emergency in a school district in response to a request made under  
288 subsection (11) of this section, the State Board of Education, in

289 its discretion, may assign an interim conservator to the school  
290 district who will be responsible for the administration,  
291 management and operation of the school district, including, but  
292 not limited to, the following activities:

293 (i) Approving or disapproving all financial  
294 obligations of the district, including, but not limited to, the  
295 employment, termination, nonrenewal and reassignment of all  
296 certified and noncertified personnel, contractual agreements and  
297 purchase orders, and approving or disapproving all claim dockets  
298 and the issuance of checks; in approving or disapproving  
299 employment contracts of superintendents, assistant superintendents  
300 or principals, the interim conservator shall not be required to  
301 comply with the time limitations prescribed in Sections 37-9-15  
302 and 37-9-105;

303 (ii) Supervising the day-to-day activities of the  
304 district's staff, including reassigning the duties and  
305 responsibilities of personnel in a manner which, in the  
306 determination of the conservator, will best suit the needs of the  
307 district;

308 (iii) Reviewing the district's total financial  
309 obligations and operations and making recommendations to the  
310 district for cost savings, including, but not limited to,  
311 reassigning the duties and responsibilities of staff;

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

314 (v) Approving or disapproving all athletic, band  
315 and other extracurricular activities and any matters related to  
316 those activities;

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

320 (vii) Reporting periodically to the State Board of  
321 Education on the progress or lack of progress being made in the

322 district to improve the district's impairments during the state of  
323 emergency; and

324 (viii) Appointing a parent advisory committee,  
325 comprised of parents of students in the school district, which may  
326 make recommendations to the conservator concerning the  
327 administration, management and operation of the school district.

328 Except when, in the determination of the State Board of  
329 Education, the school district's impairment is related to a lack  
330 of financial resources, the cost of the salary of the conservator  
331 and any other actual and necessary costs related to the  
332 conservatorship paid by the State Department of Education shall be  
333 reimbursed by the local school district from nonminimum program  
334 funds. The department shall submit an itemized statement to the  
335 superintendent of the local school district for reimbursement  
336 purposes, and any unpaid balance may be withheld from the  
337 district's minimum or adequate education program funds.

338 At such time as the Governor, pursuant to the request of the  
339 State Board of Education, declares that the state of emergency no  
340 longer exists in a school district, the powers and  
341 responsibilities of the interim conservator assigned to such  
342 district shall cease.

343 (b) In order to provide loans to school districts under  
344 a state of emergency which have impairments related to a lack of  
345 financial resources, the School District Emergency Assistance Fund  
346 is created as a special fund in the State Treasury into which  
347 monies may be transferred or appropriated by the Legislature from  
348 any available public education funds. The maximum amount that may  
349 be appropriated or transferred to the School District Emergency  
350 Assistance Fund for any one (1) emergency shall be Two Million  
351 Dollars (\$2,000,000.00), and the maximum amount that may be  
352 appropriated during any fiscal year shall be Three Million Dollars  
353 (\$3,000,000.00).

354           The State Board of Education may loan monies from the School  
355 District Emergency Assistance Fund to a school district that is  
356 under a state of emergency in such amounts, as determined by the  
357 board, which are necessary to correct the district's impairments  
358 related to a lack of financial resources. The loans shall be  
359 evidenced by an agreement between the school district and the  
360 State Board of Education and shall be repayable in principal,  
361 without necessity of interest, to the State General Fund or the  
362 Education Enhancement Fund, depending on the source of funding for  
363 such loan, by the school district from any allowable funds that  
364 are available. The total amount loaned to the district shall be  
365 due and payable within five (5) years after the impairments  
366 related to a lack of financial resources are corrected. If a  
367 school district fails to make payments on the loan in accordance  
368 with the terms of the agreement between the district and the State  
369 Board of Education, the State Department of Education, in  
370 accordance with rules and regulations established by the State  
371 Board of Education, may withhold that district's minimum program  
372 funds in an amount and manner that will effectuate repayment  
373 consistent with the terms of the agreement; such funds withheld by  
374 the department shall be deposited into the State General Fund or  
375 the Education Enhancement Fund, as the case may be.

376           If the State Board of Education determines that an extreme  
377 emergency exists, simultaneous with the powers exercised in this  
378 subsection, it shall take immediate action against all parties  
379 responsible for the affected school districts having been  
380 determined to be in an extreme emergency. Such action shall  
381 include, but not be limited to, initiating civil actions to  
382 recover funds and criminal actions to account for criminal  
383 activity. Any funds recovered by the State Auditor or the State  
384 Board of Education from the surety bonds of school officials or  
385 from any civil action brought under this subsection shall be

386 applied toward the repayment of any loan made to a school district  
387 hereunder.

388 (15) In the event a majority of the membership of the school  
389 board of any school district resigns from office, the State Board  
390 of Education shall be authorized to assign an interim conservator,  
391 who shall be responsible for the administration, management and  
392 operation of the school district until such time as new board  
393 members are selected or the Governor declares a state of emergency  
394 in that school district under subsection (11), whichever occurs  
395 first. In such case, the State Board of Education, acting through  
396 the interim conservator, shall have all powers which were held by  
397 the previously existing school board, and may take such action as  
398 prescribed in Section 37-17-13 and/or one or more of the actions  
399 authorized in this section.

400 (16) Beginning with the school district audits conducted for  
401 the 1997-1998 fiscal year, the State Board of Education, acting  
402 through the Commission on School Accreditation, shall require each  
403 school district to comply with standards established by the State  
404 Department of Audit for the verification of fixed assets and the  
405 auditing of fixed assets records as a minimum requirement for  
406 accreditation.

407 (17) Before December 1, 1999, the State Board of Education  
408 shall recommend a program to the Education Committees of the House  
409 of Representatives and the Senate for identifying and rewarding  
410 public schools that improve or are high performing. The program  
411 shall be described by the board in a written report, which shall  
412 include criteria and a process through which improving schools and  
413 high-performing schools will be identified and rewarded.

414 The State Superintendent of Education and the State Board of  
415 Education also shall develop a comprehensive accountability plan  
416 to ensure that local school boards, superintendents, principals  
417 and teachers are held accountable for student achievement. A  
418 written report on the accountability plan shall be submitted to

419 the Education Committees of both houses of the Legislature before  
420 December 1, 1999, with any necessary legislative recommendations.

421         **SECTION 2.** This act shall take effect and be in force from  
422 and after its passage.