

By: Representatives Brown,  
Watson

To: Education

HOUSE BILL NO. 19  
(As Passed the House)

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 that contains specific reasons for requesting a  
74 waiver from the school districts affected by Hurricane Katrina of  
75 2005, hold harmless school districts from assignment of district  
76 and school level accountability ratings for the 2005-2006 school  
77 year. It is the intent of the Legislature that all school  
78 districts maintain the highest possible academic standards and  
79 instructional programs in all schools as required by law and the  
80 State Board of Education.

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

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

89 (6) The State Board of Education shall create an  
90 accreditation audit unit under the Commission on School

91 Accreditation to determine whether schools are complying with  
92 accreditation standards.

93 (7) The State Board of Education shall be specifically  
94 authorized and empowered to withhold adequate minimum education  
95 program or adequate education program fund allocations, whichever  
96 is applicable, to any public school district for failure to timely  
97 report student, school personnel and fiscal data necessary to meet  
98 state and/or federal requirements.

99 (8) Deleted.

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

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

114 (a) Develop an impairment report for each district  
115 failing to meet accreditation standards in conjunction with school  
116 district officials;

117 (b) Notify any applicable school district failing to  
118 meet accreditation standards that it is on probation until  
119 corrective actions are taken or until the deficiencies have been  
120 removed. The local school district shall develop a corrective  
121 action plan to improve its deficiencies. For district academic  
122 deficiencies, the corrective action plan for each such school  
123 district shall be based upon a complete analysis of the following:

124 student test data, student grades, student attendance reports,  
125 student drop-out data, existence and other relevant data. The  
126 corrective action plan shall describe the specific measures to be  
127 taken by the particular school district and school to improve:  
128 (a) instruction; (b) curriculum; (c) professional development; (d)  
129 personnel and classroom organization; (e) student incentives for  
130 performance; (f) process deficiencies; and (g) reporting to the  
131 local school board, parents and the community. The corrective  
132 action plan shall describe the specific individuals responsible  
133 for implementing each component of the recommendation and how each  
134 will be evaluated. All corrective action plans shall be provided  
135 to the State Board of Education as may be required. The decision  
136 of the State Board of Education establishing the probationary  
137 period of time shall be final;

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

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

152 (e) Provide for publication of public notice at least  
153 one (1) time during the probationary period, in a newspaper  
154 published within the jurisdiction of the school district failing  
155 to meet accreditation standards, or if no newspaper is published  
156 therein, then in a newspaper having a general circulation therein.

157 The publication shall include the following: declaration of  
158 school system's status as being on probation; all details relating  
159 to the impairment report, and other information as the State Board  
160 of Education deems appropriate. Public notices issued under this  
161 section shall be subject to Section 13-3-31 and not contrary to  
162 other laws regarding newspaper publication.

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

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

188 (c) Whenever the Governor declares a state of emergency  
189 in a school district in response to a request made under paragraph

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

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

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

206 (iii) Assign an interim conservator who will have  
207 those powers and duties prescribed in subsection (14) of this  
208 section;

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

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

223 the voluntary consolidation shall have priority over any such  
224 assignment of territory by the State Board of Education;

225 (vi) For states of emergency declared under  
226 paragraph (b) only, reduce local supplements paid to school  
227 district employees, including, but not limited to, instructional  
228 personnel, assistant teachers and extracurricular activities  
229 personnel, if the district's impairment is related to a lack of  
230 financial resources, but only to an extent which will result in  
231 the salaries being comparable to districts similarly situated, as  
232 determined by the State Board of Education;

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

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

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

249 (12) Upon the declaration of a state of emergency in a  
250 school district under subsection (11) of this section, the  
251 Commission on School Accreditation shall be responsible for public  
252 notice at least once a week for at least three (3) consecutive  
253 weeks in a newspaper published within the jurisdiction of the  
254 school district failing to meet accreditation standards, or if no  
255 newspaper is published therein, then in a newspaper having a



256 general circulation therein. The size of such notice shall be no  
257 smaller than one-fourth (1/4) of a standard newspaper page and  
258 shall be printed in bold print. If a conservator has been  
259 appointed for the school district, such notice shall begin as  
260 follows: "By authority of Section 37-17-6, Mississippi Code of  
261 1972, as amended, adopted by the Mississippi Legislature during  
262 the 1991 Regular Session, this school district (name of school  
263 district) is hereby placed under the jurisdiction of the State  
264 Department of Education acting through its appointed conservator  
265 (name of conservator)."

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

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

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

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

288 levy taxes except in accordance with presently existing statutory  
289 provisions.

290 (14) (a) Whenever the Governor declares a state of  
291 emergency in a school district in response to a request made under  
292 subsection (11) of this section, the State Board of Education, in  
293 its discretion, may assign an interim conservator to the school  
294 district who will be responsible for the administration,  
295 management and operation of the school district, including, but  
296 not limited to, the following activities:

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

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

312 (iii) Reviewing the district's total financial  
313 obligations and operations and making recommendations to the  
314 district for cost savings, including, but not limited to,  
315 reassigning the duties and responsibilities of staff;

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

318 (v) Approving or disapproving all athletic, band  
319 and other extracurricular activities and any matters related to  
320 those activities;

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

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

328 (viii) Appointing a parent advisory committee,  
329 comprised of parents of students in the school district, which may  
330 make recommendations to the conservator concerning the  
331 administration, management and operation of the school district.

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

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

347 (b) In order to provide loans to school districts under  
348 a state of emergency which have impairments related to a lack of  
349 financial resources, the School District Emergency Assistance Fund  
350 is created as a special fund in the State Treasury into which  
351 monies may be transferred or appropriated by the Legislature from  
352 any available public education funds. The maximum amount that may  
353 be appropriated or transferred to the School District Emergency

354 Assistance Fund for any one (1) emergency shall be Two Million  
355 Dollars (\$2,000,000.00), and the maximum amount that may be  
356 appropriated during any fiscal year shall be Three Million Dollars  
357 (\$3,000,000.00).

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

380         If the State Board of Education determines that an extreme  
381 emergency exists, simultaneous with the powers exercised in this  
382 subsection, it shall take immediate action against all parties  
383 responsible for the affected school districts having been  
384 determined to be in an extreme emergency. Such action shall  
385 include, but not be limited to, initiating civil actions to  
386 recover funds and criminal actions to account for criminal

387 activity. Any funds recovered by the State Auditor or the State  
388 Board of Education from the surety bonds of school officials or  
389 from any civil action brought under this subsection shall be  
390 applied toward the repayment of any loan made to a school district  
391 hereunder.

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

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

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

418 The State Superintendent of Education and the State Board of  
419 Education also shall develop a comprehensive accountability plan

420 to ensure that local school boards, superintendents, principals  
421 and teachers are held accountable for student achievement. A  
422 written report on the accountability plan shall be submitted to  
423 the Education Committees of both houses of the Legislature before  
424 December 1, 1999, with any necessary legislative recommendations.

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