

By: Senator(s) Chaney

To: Education

SENATE BILL NO. 2012

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE STATE BOARD OF EDUCATION TO EXEMPT ANY SCHOOL
3 DISTRICT WITH AN EXTREME FINANCIAL SITUATION CAUSED BY THE
4 HURRICANE KATRINA DISASTER OF 2005 FROM ANY ACCOUNTABILITY
5 STANDARD FOR THE 2005-2006 SCHOOL YEAR; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

71 (h) Development of a comprehensive student assessment
72 system to implement these requirements.

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

78 (i) The State Board of Education shall have the
79 authority, with the concurrence of the Governor, based upon
80 justification therefor by a written request from the local school
81 board of any school district with an extreme financial situation
82 caused by the Hurricane Katrina Disaster of 2005, to hold harmless
83 and/or exempt such affected school district from any
84 accountability standards for the 2005-2006 school year.

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

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

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

98 (8) Deleted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

257 shall be printed in bold print. If a conservator has been
258 appointed for the school district, such notice shall begin as
259 follows: "By authority of Section 37-17-6, Mississippi Code of
260 1972, as amended, adopted by the Mississippi Legislature during
261 the 1991 Regular Session, this school district (name of school
262 district) is hereby placed under the jurisdiction of the State
263 Department of Education acting through its appointed conservator
264 (name of conservator)."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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