

## House Amendments to Senate Bill No. 2012

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

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

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
	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. The State Board of Education upon finding an extreme  
78 hardship in the school district may grant the request. It is the  
79 intent of the Legislature that all school districts maintain the  
80 highest possible academic standards and instructional programs in  
81 all schools as required by law and the State Board of Education.

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

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

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

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

100 (8) Deleted.

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

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

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

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

125 student test data, student grades, student attendance reports,  
126 student drop-out data, existence and other relevant data. The  
127 corrective action plan shall describe the specific measures to be  
128 taken by the particular school district and school to improve:

129 (a) instruction; (b) curriculum; (c) professional development; (d)  
130 personnel and classroom organization; (e) student incentives for  
131 performance; (f) process deficiencies; and (g) reporting to the  
132 local school board, parents and the community. The corrective  
133 action plan shall describe the specific individuals responsible  
134 for implementing each component of the recommendation and how each  
135 will be evaluated. All corrective action plans shall be provided

136 to the State Board of Education as may be required. The decision  
137 of the State Board of Education establishing the probationary  
138 period of time shall be final;

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

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

153 (e) Provide for publication of public notice at least  
154 one (1) time during the probationary period, in a newspaper  
155 published within the jurisdiction of the school district failing  
156 to meet accreditation standards, or if no newspaper is published  
157 therein, then in a newspaper having a general circulation therein.  
158 The publication shall include the following: declaration of  
159 school system's status as being on probation; all details relating  
160 to the impairment report, and other information as the State Board  
161 of Education deems appropriate. Public notices issued under this  
162 section shall be subject to Section 13-3-31 and not contrary to  
163 other laws regarding newspaper publication.

164 (11) (a) If the recommendations for corrective action are  
165 not taken by the local school district or if the deficiencies are  
166 not removed by the end of the probationary period, the Commission  
167 on School Accreditation shall conduct a hearing to allow such  
168 affected school district to present evidence or other reasons why  
169 its accreditation should not be withdrawn. Subsequent to its  
170 consideration of the results of such hearing, the Commission on

171 School Accreditation shall be authorized, with the approval of the  
172 State Board of Education, to withdraw the accreditation of a  
173 public school district, and issue a request to the Governor that a  
174 state of emergency be declared in that district.

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

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

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

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

205 make decisions concerning the management and operation of the  
206 school district;

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

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

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

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

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

237           (d) At such time as satisfactory corrective action has  
238 been taken in a school district in which a state of emergency has  
239 been declared, the State Board of Education may request the

240 Governor to declare that the state of emergency no longer exists  
241 in the district.

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

250 (12) Upon the declaration of a state of emergency in a  
251 school district under subsection (11) of this section, the  
252 Commission on School Accreditation shall be responsible for public  
253 notice at least once a week for at least three (3) consecutive  
254 weeks in a newspaper published within the jurisdiction of the  
255 school district failing to meet accreditation standards, or if no  
256 newspaper is published therein, then in a newspaper having a  
257 general circulation therein. The size of such notice shall be no  
258 smaller than one-fourth (1/4) of a standard newspaper page and  
259 shall be printed in bold print. If a conservator has been  
260 appointed for the school district, such notice shall begin as  
261 follows: "By authority of Section 37-17-6, Mississippi Code of  
262 1972, as amended, adopted by the Mississippi Legislature during  
263 the 1991 Regular Session, this school district (name of school  
264 district) is hereby placed under the jurisdiction of the State  
265 Department of Education acting through its appointed conservator  
266 (name of conservator)."

267 The notice also shall include, in the discretion of the State  
268 Board of Education, any or all details relating to the school  
269 district's emergency status, including the declaration of a state  
270 of emergency in the school district and a description of the  
271 district's impairment deficiencies, conditions of any  
272 conservatorship and corrective actions recommended and being  
273 taken. Public notices issued under this section shall be subject



274 to Section 13-3-31 and not contrary to other laws regarding  
275 newspaper publication.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

348           (b) In order to provide loans to school districts under  
349 a state of emergency which have impairments related to a lack of  
350 financial resources, the School District Emergency Assistance Fund  
351 is created as a special fund in the State Treasury into which  
352 monies may be transferred or appropriated by the Legislature from  
353 any available public education funds. The maximum amount that may  
354 be appropriated or transferred to the School District Emergency  
355 Assistance Fund for any one (1) emergency shall be Two Million  
356 Dollars (\$2,000,000.00), and the maximum amount that may be  
357 appropriated during any fiscal year shall be Three Million Dollars  
358 (\$3,000,000.00).

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

378 consistent with the terms of the agreement; such funds withheld by  
379 the department shall be deposited into the State General Fund or  
380 the Education Enhancement Fund, as the case may be.

381         If the State Board of Education determines that an extreme  
382 emergency exists, simultaneous with the powers exercised in this  
383 subsection, it shall take immediate action against all parties  
384 responsible for the affected school districts having been  
385 determined to be in an extreme emergency. Such action shall  
386 include, but not be limited to, initiating civil actions to  
387 recover funds and criminal actions to account for criminal  
388 activity. Any funds recovered by the State Auditor or the State  
389 Board of Education from the surety bonds of school officials or  
390 from any civil action brought under this subsection shall be  
391 applied toward the repayment of any loan made to a school district  
392 hereunder.

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

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

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

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

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

**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 EXEMPT CERTAIN SCHOOLS  
3 FROM ACCOUNTABILITY STANDARDS DUE TO HURRICANE KATRINA OF 2005;  
4 AND FOR RELATED PURPOSES.

HR40\SB2012A.J

Don Richardson  
Clerk of the House of Representatives