

By: Representative Fleming

To: Education;
Appropriations

HOUSE BILL NO. 407

1 AN ACT TO CREATE THE "MISSISSIPPI STUDENT ACHIEVEMENT
2 GUARANTEE IN EDUCATION ACT"; TO PROVIDE THE REQUIREMENTS FOR A
3 SCHOOL BOARD TO PARTICIPATE IN THE ACHIEVEMENT GUARANTEE CONTRACT
4 PROGRAM; TO PROVIDE FOR THE TERMINATION OF A STUDENT ACHIEVEMENT
5 GUARANTEE CONTRACT; TO PROVIDE FOR FUNDING TO EACH SCHOOL DISTRICT
6 PARTICIPATING IN THE ACHIEVEMENT GUARANTEE CONTRACT PROGRAM; TO
7 AMEND SECTION 37-151-77, MISSISSIPPI CODE OF 1972, TO CONFORM WITH
8 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** This act shall be known as the "Mississippi
11 Student Achievement Guarantee in Education Act."

12 **SECTION 2.** As used in this act, the following words and
13 phrases shall have the meanings ascribed in this section unless
14 the context clearly indicates otherwise:

15 (a) "Class size" means the number of students assigned
16 to a regular classroom teacher on the third Friday of September.

17 (b) "Low income" means the measure of low income that
18 is determined by the State Department of Education.

19 (c) "Department" means the State Department of
20 Education.

21 **SECTION 3.** (1) The school board of any school district in
22 which a school during the previous school year had an enrollment
23 of at least fifty percent (50%) low-income students is eligible to
24 participate in the achievement guarantee contract program.

25 (2) In any year, if eligible school districts apply for more
26 achievement guarantee contracts than are possible with the funds
27 specifically appropriated for this program, the department shall
28 determine which school boards to contract with based on the number
29 of low-income students in kindergarten and Grade 1 enrolled in the
30 schools and on the number of rural and urban school districts

31 currently participating in the achievement guarantee contract
32 program.

33 (3) A selected school district may enter into an achievement
34 guarantee contract on behalf of no more than ten (10) schools.

35 **SECTION 4.** (1) An achievement guarantee contract shall
36 require the school board to take the following actions in each
37 participating school:

38 (a) Class size - reduce each class size to fifteen (15)
39 students according to the following schedule:

40 (i) In the first year of participation, in no less
41 than kindergarten and Grade 1 classes.

42 (ii) In the second year of participation, in no
43 less than kindergarten and Grades 1 and 2 classes.

44 (iii) In the third year of participation, in no
45 less than kindergarten and Grades 1, 2 and 3 classes.

46 (b) Expanding services in education and human services,
47 which shall include:

48 (i) Keeping school buildings open to accommodate
49 before school and after school enrichment programs.

50 (ii) Collaborating with community organizations to
51 make educational and recreational opportunities, as well as a
52 variety of community and social services, available in the school
53 to all school attendance area residents.

54 (c) Reviewing the curriculum of the school, which shall
55 include:

56 (i) Providing a rigorous academic curriculum
57 designed to improve students' academic achievement.

58 (ii) In consultation with the department, and with
59 the participation of the school's professional staff and school
60 district residents, a review of the school's current curriculum to
61 determine how well it promotes academic achievement.

62 (iii) If necessary, an outline of any changes to
63 the curriculum to improve academic achievement.

64 (d) Providing opportunities for staff development and
65 accountability, which shall include:

66 (i) The development of a one-year program for all
67 newly hired licensed staff which helps them make the transition
68 from their previous employment or school to their current
69 employment.

70 (ii) Providing time for employees to collaborate
71 and plan.

72 (iii) Requiring that each teacher and
73 administrator submit to the school board a professional
74 development plan that focuses on how the teacher or administrator
75 will help improve student academic achievement. The plan shall
76 include a method which the staff member will receive evaluations
77 from a variety of sources on the success of the staff member's
78 efforts.

79 (iv) Regular reviewing staff development plans to
80 determine if the plans are effective in helping to improve student
81 academic achievement.

82 (e) Establishing an evaluation process for licensed
83 staff which accomplishes the following:

84 (i) Identifies individual strengths and
85 weaknesses.

86 (ii) Clearly describes areas in need of
87 improvement.

88 (iii) Includes a support plan that provides
89 opportunities to learn and improve.

90 (iv) Systematically documents performance in
91 accordance with the plan.

92 (v) Allows licensed staff members to comment on
93 and contribute to revisions in the evaluation process.

94 (vi) Provides for the dismissal of licensed staff
95 members whose failure to learn and improve has been documented
96 over a two-year period.

97 (2) Each achievement guarantee contract shall include all of
98 the following:

99 (a) A description of how each school will implement
100 each of the elements under subsection (1) of this section,
101 including any alternative class configurations for specific
102 educational activities which may be used to meet the class size
103 requirements.

104 (b) A description of the method that the school
105 district will use to evaluate the academic achievement of the
106 students enrolled in the school.

107 (c) A description of each school's performance
108 objectives for the academic achievement of the students enrolled
109 in the school and the means that will be used to evaluate success
110 in attaining the objectives. Performance objectives shall include
111 the following:

112 (i) Where applicable, improvement in scores of
113 tests administered to students under the statewide testing program
114 established under Sections 37-16-1 through 37-16-13.

115 (ii) The attainment of any educational goals
116 adopted by the school board.

117 (iii) Professional development objectives.

118 (d) A description of the methods by which the school
119 involves students, parents or guardians of students and other
120 school district residents in decisions affecting the school.

121 (e) A description of any statute or rule that is waived
122 under Mississippi law if the waiver is related to the contract.

123 (f) A description of the means by which the department
124 will monitor compliance with the terms of the contract.

125 **SECTION 5.** (1) At the end of each school year, the
126 department may terminate an achievement guarantee contract if a
127 school board has failed to fully comply with the requirements of
128 Section 4 of this act. Before July 1 of each year, a committee
129 consisting of the State Superintendent of Public Education, the

130 chairpersons of the Education Committees of the Senate and House
131 of Representatives or their designees, and the individual chiefly
132 responsible for the evaluation as appointed by the department
133 shall review the progress made by each participating school. The
134 committee may recommend that the department terminate a contract
135 if the committee determines that the school board has violated the
136 contract or if the school has made insufficient progress toward
137 achieving its performance objectives. The department may
138 terminate the contract if it agrees with the committee's
139 recommendation.

140 (2) The department shall arrange for an annual and
141 independent evaluation of the program.

142 **SECTION 6.** (1) The department, using any available funds
143 specifically appropriated for the achievement guarantee contract
144 program, shall pay to each participating school district Two
145 Thousand Dollars (\$2,000.00) multiplied by the number of
146 low-income students enrolled in kindergarten and Grades 1 through
147 3 in each participating school covered by achievement guarantee
148 contracts.

149 (2) The department shall cease payments under this section
150 to any school district if the school board withdraws from the
151 contract before it expires.

152 (3) The department shall promulgate rules to implement and
153 administer the payment of state aid under this section.

154 **SECTION 7.** Section 37-151-77, Mississippi Code of 1972, is
155 amended as follows:

156 37-151-77. To qualify for funds provided in this chapter,
157 each school district shall not exceed a pupil-teacher ratio based
158 on enrollment in Grades 1, 2, 3 and 4 as follows: 27:1.

159 For kindergarten and Grades 5 through 12, pupil-teacher ratio
160 shall be determined based on appropriate accreditation standards
161 developed by the Mississippi Commission on School Accreditation.

162 For schools having executed an achievement guarantee contract
163 with the State Department of Education, the pupil-teacher ratio of
164 the participating school shall be determined in accordance with
165 Section 4(1)(a) of House Bill No. _____, 2007 Regular Session.

166 Any local district may apply to the State Board of Education
167 for approval of a waiver to this section by submitting and
168 justifying an alternative educational program to serve the needs
169 of enrollment in Grades kindergarten and 1 through 4. The State
170 Board of Education shall approve or disapprove of such waiver
171 forty-five (45) days after receipt of such application. If a
172 school district violates the provisions of this section, the state
173 aid for the ensuing fiscal year to such school district shall be
174 reduced by the percentage variance that the actual pupil-teacher
175 ratios in such school district has to the required pupil-teacher
176 ratios mandated in this section. Provided, that notwithstanding
177 the provisions of this section, the State Board of Education is
178 authorized to waive the pupil-teacher requirements specified
179 herein upon a finding that a good faith effort is being made by
180 the school district concerned to comply with the ratio provisions
181 but that for lack of classroom space which was beyond its control
182 it is physically impossible for the district to comply, and the
183 cost of temporary classroom space cannot be justified. In the
184 event any school district meets Level 4 or 5 accreditation
185 standards, the State Board of Education may, in its discretion,
186 exempt such school district from the maximum pupil-teacher ratio
187 in Grades 1, 2, 3 and 4 prescribed herein.

188 **SECTION 8.** This act shall take effect and be in force from
189 and after July 1, 2007.