

By: Representative Brown

To: Education

HOUSE BILL NO. 1084

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE STATE BOARD OF EDUCATION TO INCLUDE THE DROPOUT RATE
3 AND HIGH SCHOOL GRADUATION RATE AS AN ACCOUNTABILITY MEASURE UNDER
4 THE PERFORMANCE-BASED ACCREDITATION SYSTEM; TO BRING FORWARD
5 SECTIONS 37-3-46 AND 37-3-49, MISSISSIPPI CODE OF 1972, WHICH
6 RELATE TO A STATE PROGRAM OF EDUCATIONAL ACCOUNTABILITY AND
7 ASSESSMENT OF PERFORMANCE, FOR PURPOSES OF POSSIBLE AMENDMENT; AND
8 FOR RELATED PURPOSES.

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

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

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

17 (2) * * * The State Board of Education, acting through the
18 Commission on School Accreditation, shall require school districts
19 to provide school classroom space that is air conditioned as a
20 minimum requirement for accreditation.

21 (3) (a) * * * The State Board of Education, acting through
22 the Commission on School Accreditation, shall require that school
23 districts employ certified school librarians according to the
24 following formula:

25	Number of Students	Number of Certified
26	Per School Library	School Librarians
27	0 - 499 Students	½ Full-time Equivalent
28		Certified Librarian
29	500 or More Students	1 Full-time Certified
30		Librarian

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

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

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

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

45 (f) Any additional mileage levied to fund school
46 librarians required for accreditation under this subsection shall
47 be included in the tax increase limitation set forth in Sections
48 37-57-105 and 37-57-107 and shall not be deemed a new program for
49 purposes of the limitation.

50 (4) * * * The State Board of Education shall implement the
51 performance-based accreditation system for school districts and
52 for individual schools which shall include the following:

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

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

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

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

61 (e) Accountability at the individual school and school
62 district level for the dropout rate and high school graduation
63 rate;

64 (f) Set annual performance standards for each of the
65 schools of the state and measure the performance of each school
66 against itself through the standard that has been set for it;

67 (g) A determination of which schools exceed their
68 standards and a plan for providing recognition and rewards to such
69 schools;

70 (h) A determination of which schools are failing to
71 meet their standards and a determination of the appropriate role
72 of the State Board of Education and the State Department of
73 Education in providing assistance and initiating possible
74 intervention;

75 (i) Development of a comprehensive student assessment
76 system to implement these requirements; and

77 (j) The State Board of Education may, based on a
78 written request that contains specific reasons for requesting a
79 waiver from the school districts affected by Hurricane Katrina of
80 2005, hold harmless school districts from assignment of district
81 and school level accountability ratings for the 2005-2006 school
82 year. The State Board of Education upon finding an extreme
83 hardship in the school district may grant the request. It is the
84 intent of the Legislature that all school districts maintain the
85 highest possible academic standards and instructional programs in
86 all schools as required by law and the State Board of Education.

87 The State Board of Education may continue to assign school
88 district performance levels by using a number classification and
89 may assign individual school performance levels by using a number
90 classification to be consistent with school district performance
91 levels.

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

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

97 Accreditation to determine whether schools are complying with
98 accreditation standards.

99 (7) The State Board of Education shall be specifically
100 authorized and empowered to withhold * * * adequate education
101 program fund allocations * * * to any public school district for
102 failure to timely report student, school personnel and fiscal data
103 necessary to meet state and/or federal requirements.

104 (8) Deleted.

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

116 (10) * * * The State Board of Education shall be charged
117 with the implementation of the program of development in each
118 applicable school district as follows:

119 (a) Develop an impairment report for each district
120 failing to meet accreditation standards in conjunction with school
121 district officials;

122 (b) Notify any applicable school district failing to
123 meet accreditation standards that it is on probation until
124 corrective actions are taken or until the deficiencies have been
125 removed. The local school district shall develop a corrective
126 action plan to improve its deficiencies. For district academic
127 deficiencies, the corrective action plan for each such school
128 district shall be based upon a complete analysis of the following:
129 student test data, student grades, student attendance reports,

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

143 (c) Offer, during the probationary period, technical
144 assistance to the school district in making corrective actions.

145 * * * Subject to the availability of funds, the State Department
146 of Education shall provide technical and/or financial assistance
147 to all such school districts in order to implement each measure
148 identified in that district's corrective action plan through
149 professional development and on-site assistance. Each such school
150 district shall apply for and utilize all available federal funding
151 in order to support its corrective action plan in addition to
152 state funds made available under this paragraph;

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

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

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

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

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

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

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

205 (ii) Override any decision of the local school
206 board or superintendent of education, or both, concerning the
207 management and operation of the school district, or initiate and
208 make decisions concerning the management and operation of the
209 school district;

210 (iii) Assign an interim conservator who will have
211 those powers and duties prescribed in subsection (14) of this
212 section;

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

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

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

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

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

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

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

262 shall be printed in bold print. If a conservator has been
263 appointed for the school district, such notice shall begin as
264 follows: "By authority of Section 37-17-6, Mississippi Code of
265 1972, as amended, adopted by the Mississippi Legislature during
266 the 1991 Regular Session, this school district (name of school
267 district) is hereby placed under the jurisdiction of the State
268 Department of Education acting through its appointed conservator
269 (name of conservator)."

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

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

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

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

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

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

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

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

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

322 (v) Approving or disapproving all athletic, band
323 and other extracurricular activities and any matters related to
324 those activities;

325 (vi) Maintaining a detailed account of
326 recommendations made to the district and actions taken in response
327 to those recommendations;

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

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

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

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

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

358 Assistance Fund for any one (1) emergency shall be Two Million
359 Dollars (\$2,000,000.00), and the maximum amount that may be
360 appropriated during any fiscal year shall be Three Million Dollars
361 (\$3,000,000.00).

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

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

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

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

408 (16) * * * The State Board of Education, acting through the
409 Commission on School Accreditation, shall require each school
410 district to comply with standards established by the State
411 Department of Audit for the verification of fixed assets and the
412 auditing of fixed assets records as a minimum requirement for
413 accreditation.

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

421 The State Superintendent of Education and the State Board of
422 Education also shall develop a comprehensive accountability plan
423 to ensure that local school boards, superintendents, principals

424 and teachers are held accountable for student achievement. * * *

425 **SECTION 2.** Section 37-3-46, Mississippi Code of 1972, is
426 brought forward as follows:

427 37-3-46. The State Department of Education, in regard to any
428 district not meeting Level 4 or 5 accreditation standards, as
429 defined by the State Board of Education, shall:

430 (a) Provide to local school districts financial,
431 training and other assistance to implement and maintain a state
432 program of educational accountability and assessment of
433 performance.

434 (b) Provide to local school districts technical
435 assistance and training in the development, implementation and
436 administration of a personnel appraisal and compensation system
437 for all school employees.

438 (c) Provide to local school districts technical
439 assistance in the development, implementation and administration
440 of programs designed to keep children in school voluntarily and to
441 prevent dropouts.

442 **SECTION 3.** Section 37-3-49, Mississippi Code of 1972, is
443 brought forward follows:

444 37-3-49. (1) The State Department of Education shall
445 provide an instructional program and establish guidelines and
446 procedures for managing such program in the public schools as part
447 of the State Program of Educational Accountability and Assessment
448 of Performance as prescribed in Section 37-3-46. Public school
449 districts may (a) elect to adopt the instructional program and
450 management system provided by the State Department of Education,
451 or (b) elect to adopt an instructional program and management
452 system which meets or exceeds criteria established by the State
453 Department of Education for such. This provision shall begin with
454 the courses taught in Grades K-8 which contain skills tested
455 through the Mississippi Basic Skills Assessment Program and shall
456 proceed through all secondary school courses mandated for

457 graduation and all secondary school courses in the Mississippi
458 end-of-course testing program. Other state core objectives must
459 be included in the district's instructional program as they are
460 provided by the State Department of Education along with
461 instructional practices, resources, evaluation items and
462 management procedures. Districts are encouraged to adapt this
463 program and accompanying procedures to all other instructional
464 areas. The department shall provide that such program and
465 guidelines, or a program and guidelines developed by a local
466 school district which incorporates the core objectives from the
467 curriculum structure are enforced through the performance-based
468 accreditation system. It is the intent of the Legislature that
469 every effort be made to protect the instructional time in the
470 classroom and reduce the amount of paperwork which must be
471 completed by teachers. The State Department of Education shall
472 take steps to insure that school districts properly use staff
473 development time to work on the districts' instructional
474 management plans.

475 (2) The State Department of Education shall provide such
476 instructional program and management guidelines which shall
477 require for every public school district that:

478 (a) All courses taught in Grades K-8 which contain
479 skills which are tested through the Mississippi Basic Skills
480 Assessment Program, all secondary school courses mandated for
481 graduation, and all courses in the end-of-course testing program
482 shall include the State Department of Education's written list of
483 learning objectives.

484 (b) The local school board must adopt the objectives
485 that will form the core curriculum which will be systematically
486 delivered throughout the district.

487 (c) The set of objectives provided by the State
488 Department of Education must be accompanied by suggested
489 instructional practices and resources that would help teachers

490 organize instruction so as to promote student learning of the
491 objectives. Objectives added by the school district must also be
492 accompanied by suggested instructional practices and resources
493 that would help teachers organize instruction. The instructional
494 practices and resources that are identified are to be used as
495 suggestions and not as requirements that teachers must follow.
496 The goal of the program is to have students to achieve the desired
497 objective and not to limit teachers in the way they teach.

498 (d) Standards for student performance must be
499 established for each core objective in the local program and those
500 standards establish the district's definition of mastery for each
501 objective.

502 (e) There shall be an annual review of student
503 performance in the instructional program against locally
504 established standards. When weaknesses exist in the local
505 instructional program, the district shall take action to improve
506 student performance.

507 (3) The State Board of Education and the board of trustees
508 of each school district shall adopt policies to limit and reduce
509 the number and length of written reports that classroom teachers
510 are required to prepare.

511 (4) This section shall not be construed to limit teachers
512 from using their own professional skills to help students master
513 instructional objectives, nor shall it be construed as a call for
514 more detailed or complex lesson plans or any increase in testing
515 at the local school district level.

516 (5) Districts meeting Level 4 or 5 accreditation standards,
517 as defined by the State Board of Education, shall be exempted from
518 the provisions of subsection (2) of this section.

519 **SECTION 4.** This act shall take effect and be in force from
520 and after July 1, 2007.