

By: Representative Brown

To: Education

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1463

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO  
2 GRANT THE STATE BOARD OF EDUCATION DISCRETION IN DETERMINING  
3 WHETHER OR NOT TO ABOLISH AN IMPAIRED SCHOOL DISTRICT THAT IS  
4 UNDER A DECLARED STATE OF EMERGENCY DUE TO THE DISTRICT'S SERIOUS  
5 VIOLATIONS OF ACCREDITATION STANDARDS OR LAW, TO AUTHORIZE THE  
6 STATE BOARD OF EDUCATION TO TAKE ACTIONS LEADING TO RECALLING FROM  
7 OFFICE THE SCHOOL DISTRICT SUPERINTENDENT AND MEMBERS OF THE LOCAL  
8 SCHOOL BOARD IN A SCHOOL DISTRICT UNDER A DECLARED STATE OF  
9 EMERGENCY, AND TO REQUIRE THE STATE BOARD OF EDUCATION TO SUBMIT  
10 RECOMMENDATIONS TO THE LEGISLATIVE EDUCATION COMMITTEES ON THE  
11 INCLUSION OF GRADUATION AND DROPOUT RATES IN THE SCHOOL LEVEL  
12 ACCOUNTABILITY SYSTEM; TO AMEND SECTION 37-18-7, MISSISSIPPI CODE  
13 OF 1972, TO REQUIRE A SPECIAL ELECTION ON RECALLING A SCHOOL  
14 DISTRICT SUPERINTENDENT AND BOARD MEMBERS IN ANY SCHOOL DISTRICT  
15 IN WHICH MORE THAN HALF OF THE SCHOOLS HAVE BEEN DESIGNATED  
16 PRIORITY SCHOOLS FOR THREE YEARS TO BE HELD WITHIN 60 DAYS AFTER  
17 THE STATE BOARD OF EDUCATION REQUESTS SUCH ELECTION; TO AMEND  
18 SECTION 37-17-13, MISSISSIPPI CODE OF 1972, TO GRANT THE STATE  
19 BOARD OF EDUCATION DISCRETION IN DETERMINING WHETHER OR NOT TO  
20 ABOLISH AN IMPAIRED SCHOOL DISTRICT THAT IS UNDER A DECLARED STATE  
21 OF EMERGENCY; AND FOR RELATED PURPOSES.

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

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

25 37-17-6. (1) The State Board of Education, acting through  
26 the Commission on School Accreditation, shall establish and  
27 implement a permanent performance-based accreditation system, and  
28 all public elementary and secondary schools shall be accredited  
29 under this system.

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

34 (3) (a) \* \* \* The State Board of Education, acting through  
35 the Commission on School Accreditation, shall require that school

36 districts employ certified school librarians according to the  
37 following formula:

38	Number of Students	Number of Certified
39	Per School Library	School Librarians
40	0 - 499 Students	1/2 Full-time Equivalent
41		Certified Librarian
42	500 or More Students	1 Full-time Certified
43		Librarian

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

46 (c) The assignment of such school librarians to the  
47 particular schools shall be at the discretion of the local school  
48 district. No individual shall be employed as a certified school  
49 librarian without appropriate training and certification as a  
50 school librarian by the State Department of Education.

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

55 (e) Nothing in this subsection shall prohibit any  
56 school district from employing more certified school librarians  
57 than are provided for in this section.

58 (f) Any additional mileage levied to fund school  
59 librarians required for accreditation under this subsection shall  
60 be included in the tax increase limitation set forth in Sections  
61 37-57-105 and 37-57-107 and shall not be deemed a new program for  
62 purposes of the limitation.

63 (4) \* \* \* The State Board of Education shall implement the  
64 performance-based accreditation system for school districts and  
65 for individual schools which shall include the following:

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

68           (b) Strong accountability for results with appropriate  
69 local flexibility for local implementation;

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

72           (d) Individual schools shall be held accountable for  
73 student growth and performance;

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

77           (f) A determination of which schools exceed their  
78 standards and a plan for providing recognition and rewards to such  
79 schools;

80           (g) A determination of which schools are failing to  
81 meet their standards and a determination of the appropriate role  
82 of the State Board of Education and the State Department of  
83 Education in providing assistance and initiating possible  
84 intervention;

85           (h) Development of a comprehensive student assessment  
86 system to implement these requirements; and

87           (i) The State Board of Education may, based on a  
88 written request that contains specific reasons for requesting a  
89 waiver from the school districts affected by Hurricane Katrina of  
90 2005, hold harmless school districts from assignment of district  
91 and school level accountability ratings for the 2005-2006 school  
92 year. The State Board of Education upon finding an extreme  
93 hardship in the school district may grant the request. It is the  
94 intent of the Legislature that all school districts maintain the  
95 highest possible academic standards and instructional programs in  
96 all schools as required by law and the State Board of Education.

97           The State Board of Education may continue to assign school  
98 district performance levels by using a number classification and  
99 may assign individual school performance levels by using a number

100 classification to be consistent with school district performance  
101 levels.

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

105 (6) The State Board of Education shall create an  
106 accreditation audit unit under the Commission on School  
107 Accreditation to determine whether schools are complying with  
108 accreditation standards.

109 (7) The State Board of Education shall be specifically  
110 authorized and empowered to withhold \* \* \* adequate education  
111 program fund allocations, whichever is applicable, to any public  
112 school district for failure to timely report student, school  
113 personnel and fiscal data necessary to meet state and/or federal  
114 requirements.

115 (8) Deleted.

116 (9) The State Board of Education shall establish, for those  
117 school districts failing to meet accreditation standards, a  
118 program of development to be complied with in order to receive  
119 state funds, except as otherwise provided in subsection (14) of  
120 this section when the Governor has declared a state of emergency  
121 in a school district or as otherwise provided in Section 206,  
122 Mississippi Constitution of 1890. The state board, in  
123 establishing these standards, shall provide for notice to schools  
124 and sufficient time and aid to enable schools to attempt to meet  
125 these standards, unless procedures under subsection (14) of this  
126 section have been invoked.

127 (10) \* \* \* The State Board of Education shall be charged  
128 with the implementation of the program of development in each  
129 applicable school district as follows:

130 (a) Develop an impairment report for each district  
131 failing to meet accreditation standards in conjunction with school  
132 district officials;

133           (b) Notify any applicable school district failing to  
134 meet accreditation standards that it is on probation until  
135 corrective actions are taken or until the deficiencies have been  
136 removed. The local school district shall develop a corrective  
137 action plan to improve its deficiencies. For district academic  
138 deficiencies, the corrective action plan for each such school  
139 district shall be based upon a complete analysis of the following:  
140 student test data, student grades, student attendance reports,  
141 student drop-out data, existence and other relevant data. The  
142 corrective action plan shall describe the specific measures to be  
143 taken by the particular school district and school to improve:  
144 (a) instruction; (b) curriculum; (c) professional development; (d)  
145 personnel and classroom organization; (e) student incentives for  
146 performance; (f) process deficiencies; and (g) reporting to the  
147 local school board, parents and the community. The corrective  
148 action plan shall describe the specific individuals responsible  
149 for implementing each component of the recommendation and how each  
150 will be evaluated. All corrective action plans shall be provided  
151 to the State Board of Education as may be required. The decision  
152 of the State Board of Education establishing the probationary  
153 period of time shall be final;

154           (c) Offer, during the probationary period, technical  
155 assistance to the school district in making corrective actions.  
156 \* \* \* Subject to the availability of funds, the State Department  
157 of Education shall provide technical and/or financial assistance  
158 to all such school districts in order to implement each measure  
159 identified in that district's corrective action plan through  
160 professional development and on-site assistance. Each such school  
161 district shall apply for and utilize all available federal funding  
162 in order to support its corrective action plan in addition to  
163 state funds made available under this paragraph;

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

167           (e) Provide for publication of public notice at least  
168 one (1) time during the probationary period, in a newspaper  
169 published within the jurisdiction of the school district failing  
170 to meet accreditation standards, or if no newspaper is published  
171 therein, then in a newspaper having a general circulation therein.  
172 The publication shall include the following: declaration of  
173 school system's status as being on probation; all details relating  
174 to the impairment report, and other information as the State Board  
175 of Education deems appropriate. Public notices issued under this  
176 section shall be subject to Section 13-3-31 and not contrary to  
177 other laws regarding newspaper publication.

178           (11) (a) If the recommendations for corrective action are  
179 not taken by the local school district or if the deficiencies are  
180 not removed by the end of the probationary period, the Commission  
181 on School Accreditation shall conduct a hearing to allow such  
182 affected school district to present evidence or other reasons why  
183 its accreditation should not be withdrawn. Subsequent to its  
184 consideration of the results of such hearing, the Commission on  
185 School Accreditation shall be authorized, with the approval of the  
186 State Board of Education, to withdraw the accreditation of a  
187 public school district, and issue a request to the Governor that a  
188 state of emergency be declared in that district.

189           (b) If the State Board of Education and the Commission  
190 on School Accreditation determine that an extreme emergency  
191 situation exists in a school district which jeopardizes the  
192 safety, security or educational interests of the children enrolled  
193 in the schools in that district and such emergency situation is  
194 believed to be related to a serious violation or violations of  
195 accreditation standards or state or federal law, the State Board  
196 of Education may request the Governor to declare a state of

197 emergency in that school district. For purposes of this  
198 paragraph, such declarations of a state of emergency shall not be  
199 limited to those instances when a school district's impairments  
200 are related to a lack of financial resources, but also shall  
201 include serious failure to meet minimum academic standards, as  
202 evidenced by a continued pattern of poor student performance.

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

207 (i) Declare a state of emergency, under which some  
208 or all of state funds can be escrowed except as otherwise provided  
209 in Section 206, Constitution of 1890, until the board determines  
210 corrective actions are being taken or the deficiencies have been  
211 removed, or that the needs of students warrant the release of  
212 funds. Such funds may be released from escrow for any program  
213 which the board determines to have been restored to standard even  
214 though the state of emergency may not as yet be terminated for the  
215 district as a whole;

216 (ii) Override any decision of the local school  
217 board or superintendent of education, or both, concerning the  
218 management and operation of the school district, or initiate and  
219 make decisions concerning the management and operation of the  
220 school district;

221 (iii) Assign an interim conservator who will have  
222 those powers and duties prescribed in subsection (14) of this  
223 section;

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

228 (v) For states of emergency declared under  
229 paragraph (a) only, if the accreditation deficiencies are related

230 to the fact that the school district is too small, with too few  
231 resources, to meet the required standards and if another school  
232 district is willing to accept those students, abolish that  
233 district and assign that territory to another school district or  
234 districts. If the school district has proposed a voluntary  
235 consolidation with another school district or districts, then if  
236 the State Board of Education finds that it is in the best interest  
237 of the pupils of the district for such consolidation to proceed,  
238 the voluntary consolidation shall have priority over any such  
239 assignment of territory by the State Board of Education;

240 (vi) For states of emergency declared under  
241 paragraph (b) only, reduce local supplements paid to school  
242 district employees, including, but not limited to, instructional  
243 personnel, assistant teachers and extracurricular activities  
244 personnel, if the district's impairment is related to a lack of  
245 financial resources, but only to an extent which will result in  
246 the salaries being comparable to districts similarly situated, as  
247 determined by the State Board of Education;

248 (vii) For states of emergency declared under  
249 paragraph (b) only, the State Board of Education may take such  
250 action as prescribed in Section 37-17-13.

251 (d) At such time as satisfactory corrective action has  
252 been taken in a school district in which a state of emergency has  
253 been declared, the State Board of Education may request the  
254 Governor to declare that the state of emergency no longer exists  
255 in the district.

256 (e) Not later than July 1 of each year, the State  
257 Department of Education shall develop an itemized accounting of  
258 the expenditures associated with the management of the conservator  
259 process with regard to each school district in which a conservator  
260 has been appointed, and an assessment as to the extent to which  
261 the conservator has achieved, or failed to achieve, the goals for



262 which the conservator was appointed to guide the local school  
263 district.

264 (12) Upon the declaration of a state of emergency in a  
265 school district under subsection (11) of this section, the  
266 Commission on School Accreditation shall be responsible for public  
267 notice at least once a week for at least three (3) consecutive  
268 weeks in a newspaper published within the jurisdiction of the  
269 school district failing to meet accreditation standards, or if no  
270 newspaper is published therein, then in a newspaper having a  
271 general circulation therein. The size of such notice shall be no  
272 smaller than one-fourth (1/4) of a standard newspaper page and  
273 shall be printed in bold print. If a conservator has been  
274 appointed for the school district, such notice shall begin as  
275 follows: "By authority of Section 37-17-6, Mississippi Code of  
276 1972, as amended, adopted by the Mississippi Legislature during  
277 the 1991 Regular Session, this school district (name of school  
278 district) is hereby placed under the jurisdiction of the State  
279 Department of Education acting through its appointed conservator  
280 (name of conservator)."

281 The notice also shall include, in the discretion of the State  
282 Board of Education, any or all details relating to the school  
283 district's emergency status, including the declaration of a state  
284 of emergency in the school district and a description of the  
285 district's impairment deficiencies, conditions of any  
286 conservatorship and corrective actions recommended and being  
287 taken. Public notices issued under this section shall be subject  
288 to Section 13-3-31 and not contrary to other laws regarding  
289 newspaper publication.

290 Upon termination of the state of emergency in a school  
291 district, the Commission on School Accreditation shall cause  
292 notice to be published in the school district in the same manner  
293 provided in this section, to include any or all details relating

294 to the corrective action taken in the school district which  
295 resulted in the termination of the state of emergency.

296 (13) The State Board of Education or the Commission on  
297 School Accreditation shall have the authority to require school  
298 districts to produce the necessary reports, correspondence,  
299 financial statements, and any other documents and information  
300 necessary to fulfill the requirements of this section.

301 Nothing in this section shall be construed to grant any  
302 individual, corporation, board or conservator the authority to  
303 levy taxes except in accordance with presently existing statutory  
304 provisions.

305 (14) (a) Whenever the Governor declares a state of  
306 emergency in a school district in response to a request made under  
307 subsection (11) of this section, the State Board of Education, in  
308 its discretion, may assign an interim conservator to the school  
309 district who will be responsible for the administration,  
310 management and operation of the school district, including, but  
311 not limited to, the following activities:

312 (i) Approving or disapproving all financial  
313 obligations of the district, including, but not limited to, the  
314 employment, termination, nonrenewal and reassignment of all  
315 licensed and nonlicensed personnel, contractual agreements and  
316 purchase orders, and approving or disapproving all claim dockets  
317 and the issuance of checks; in approving or disapproving  
318 employment contracts of superintendents, assistant superintendents  
319 or principals, the interim conservator shall not be required to  
320 comply with the time limitations prescribed in Sections 37-9-15  
321 and 37-9-105;

322 (ii) Supervising the day-to-day activities of the  
323 district's staff, including reassigning the duties and  
324 responsibilities of personnel in a manner which, in the  
325 determination of the conservator, will best suit the needs of the  
326 district;

327 (iii) Reviewing the district's total financial  
328 obligations and operations and making recommendations to the  
329 district for cost savings, including, but not limited to,  
330 reassigning the duties and responsibilities of staff;

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

333 (v) Approving or disapproving all athletic, band  
334 and other extracurricular activities and any matters related to  
335 those activities;

336 (vi) Maintaining a detailed account of  
337 recommendations made to the district and actions taken in response  
338 to those recommendations;

339 (vii) Reporting periodically to the State Board of  
340 Education on the progress or lack of progress being made in the  
341 district to improve the district's impairments during the state of  
342 emergency; and

343 (viii) Appointing a parent advisory committee,  
344 comprised of parents of students in the school district, which may  
345 make recommendations to the conservator concerning the  
346 administration, management and operation of the school district.

347 Except when, in the determination of the State Board of  
348 Education, the school district's impairment is related to a lack  
349 of financial resources, the cost of the salary of the conservator  
350 and any other actual and necessary costs related to the  
351 conservatorship paid by the State Department of Education shall be  
352 reimbursed by the local school district from funds other than  
353 adequate education program funds. The department shall submit an  
354 itemized statement to the superintendent of the local school  
355 district for reimbursement purposes, and any unpaid balance may be  
356 withheld from the district's \* \* \* adequate education program  
357 funds.

358 At such time as the Governor, pursuant to the request of the  
359 State Board of Education, declares that the state of emergency no

360 longer exists in a school district, the powers and  
361 responsibilities of the interim conservator assigned to such  
362 district shall cease.

363 (b) In order to provide loans to school districts under  
364 a state of emergency which have impairments related to a lack of  
365 financial resources, the School District Emergency Assistance Fund  
366 is created as a special fund in the State Treasury into which  
367 monies may be transferred or appropriated by the Legislature from  
368 any available public education funds. The maximum amount that may  
369 be appropriated or transferred to the School District Emergency  
370 Assistance Fund for any one (1) emergency shall be Two Million  
371 Dollars (\$2,000,000.00), and the maximum amount that may be  
372 appropriated during any fiscal year shall be Three Million Dollars  
373 (\$3,000,000.00).

374 The State Board of Education may loan monies from the School  
375 District Emergency Assistance Fund to a school district that is  
376 under a state of emergency in such amounts, as determined by the  
377 board, which are necessary to correct the district's impairments  
378 related to a lack of financial resources. The loans shall be  
379 evidenced by an agreement between the school district and the  
380 State Board of Education and shall be repayable in principal,  
381 without necessity of interest, to the State General Fund or the  
382 Education Enhancement Fund, depending on the source of funding for  
383 such loan, by the school district from any allowable funds that  
384 are available. The total amount loaned to the district shall be  
385 due and payable within five (5) years after the impairments  
386 related to a lack of financial resources are corrected. If a  
387 school district fails to make payments on the loan in accordance  
388 with the terms of the agreement between the district and the State  
389 Board of Education, the State Department of Education, in  
390 accordance with rules and regulations established by the State  
391 Board of Education, may withhold that district's adequate  
392 education program funds in an amount and manner that will

393 effectuate repayment consistent with the terms of the agreement;  
394 such funds withheld by the department shall be deposited into the  
395 State General Fund or the Education Enhancement Fund, as the case  
396 may be.

397         If the State Board of Education determines that an extreme  
398 emergency exists, simultaneous with the powers exercised in this  
399 subsection, it shall take immediate action against all parties  
400 responsible for the affected school districts having been  
401 determined to be in an extreme emergency. Such action shall  
402 include, but not be limited to, initiating civil actions to  
403 recover funds and criminal actions to account for criminal  
404 activity. Any funds recovered by the State Auditor or the State  
405 Board of Education from the surety bonds of school officials or  
406 from any civil action brought under this subsection shall be  
407 applied toward the repayment of any loan made to a school district  
408 hereunder.

409         (15) In the event a majority of the membership of the school  
410 board of any school district resigns from office, the State Board  
411 of Education shall be authorized to assign an interim conservator,  
412 who shall be responsible for the administration, management and  
413 operation of the school district until such time as new board  
414 members are selected or the Governor declares a state of emergency  
415 in that school district under subsection (11), whichever occurs  
416 first. In such case, the State Board of Education, acting through  
417 the interim conservator, shall have all powers which were held by  
418 the previously existing school board, and may take such action as  
419 prescribed in Section 37-17-13 and/or one or more of the actions  
420 authorized in this section.

421         (16) (a) If the Governor declares a state of emergency in a  
422 school district, the State Board of Education may take all actions  
423 pertaining to that school district as authorized under subsection  
424 (11) or (14) of this section, including the appointment of an  
425 interim conservator. The State Board of Education also may issue

426 a written request with documentation to the Governor asking that  
427 the office of the superintendent of the school district be subject  
428 to recall. If the Governor declares that the office of the  
429 superintendent of the school district is subject to recall, the  
430 local school board or the county election commission, as the case  
431 may be, shall take the following action:

432 (i) If the office of superintendent is an elected  
433 office, in those years in which there is no general election, the  
434 name shall be submitted by the State Board of Education to the  
435 county election commission, and the county election commission  
436 shall submit the question at a special election to the voters  
437 eligible to vote for the office of superintendent within the  
438 county. The special election must be held within sixty (60) days  
439 of receipt of notification from the State Board of Education. The  
440 ballot shall read substantially as follows:

441 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
442 name of the superintendent shall be inserted) of the \_\_\_\_\_  
443 (here the title of the school district shall be inserted) be  
444 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

445 If a majority of those voting on the question votes "No" on  
446 the question, a vacancy shall exist which shall be filled in the  
447 manner provided by law; otherwise, the superintendent shall remain  
448 in office for the term of office. At the expiration of the term,  
449 the superintendent shall be eligible for qualification and  
450 election to another term or terms.

451 (ii) If the office of superintendent is an  
452 appointive office, the name of the superintendent shall be  
453 submitted by the president of the local school board, at the next  
454 regular meeting of the school board, for retention in office or  
455 dismissal from office. If a majority of the school board voting  
456 on the question vote against retaining the superintendent in  
457 office, a vacancy shall exist which shall be filled as provided by  
458 law; otherwise, the superintendent shall remain in office for the

459 duration of his employment contract.

460 (b) The State Board of Education may issue a written  
461 request with documentation to the Governor asking that the  
462 membership of the school board of the school district be subject  
463 to recall. If the Governor declares that the membership of the  
464 school board is subject to recall, the county election commission  
465 or the local governing authorities, as the case may be, shall take  
466 the following action:

467 (i) If the members of the local school board are  
468 elected to office, in those years in which a member's office is  
469 not up for election, the name of that school board member shall be  
470 submitted by the State Board of Education to the county election  
471 commission, and the county election commission shall submit the  
472 question at a special election to the voters eligible to vote for  
473 the particular member's office within the county or school  
474 district, as the case may be. The special election must be held  
475 within sixty (60) days of receipt of notification from the State  
476 Board of Education. The ballot shall read substantially as  
477 follows:

478 "Members of the \_\_\_\_\_ (here the title of the school  
479 district shall be inserted) School Board who are not up for  
480 election this year are subject to recall because of the school  
481 district's failure to meet critical accountability standards as  
482 defined in the letter of notification to the Governor from the  
483 State Board of Education. Shall the member of the school board  
484 representing this area, \_\_\_\_\_ (here the name of the school  
485 board member holding the office shall be inserted), be retained in  
486 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

487 If a majority of those voting on the question vote "No" on the  
488 question, a vacancy in that board member's office shall exist  
489 which shall be filled in the manner provided by law; otherwise,  
490 the school board member shall remain in office for the term of  
491 such office. At the expiration of the term of office, the member

492 shall be eligible for qualification and election to another term  
493 or terms of office. However, if a majority of the school board  
494 members are recalled in the special election, the Governor shall  
495 authorize the board of supervisors of the county in which the  
496 school district is situated to appoint members to fill the offices  
497 of the members recalled. The board of supervisors shall make the  
498 appointments in the manner provided by law for filling vacancies  
499 on the school board, and the appointed members shall serve until  
500 the office is filled at the next regular special election or  
501 general election.

502 (ii) If the local school board is an appointed  
503 school board, the name of all school board members shall be  
504 submitted as a collective board by the president of the municipal  
505 or county governing authority, as the case may be, at the next  
506 regular meeting of the governing authority for retention in office  
507 or dismissal from office. If a majority of the governing  
508 authority voting on the question vote against retaining the board  
509 in office, a vacancy shall exist in each school board member's  
510 office, which shall be filled as provided by law; otherwise, the  
511 members of the appointed school board shall remain in office for  
512 the duration of their term of appointment, and those members may  
513 be reappointed.

514 (iii) If the local school board is comprised of  
515 both elected and appointed members, the elected members shall be  
516 subject to recall in the manner provided in paragraph (i) of this  
517 subsection, and the appointed members shall be subject to recall  
518 in the manner provided in paragraph (ii).

519 (17) \* \* \* The State Board of Education, acting through the  
520 Commission on School Accreditation, shall require each school  
521 district to comply with standards established by the State  
522 Department of Audit for the verification of fixed assets and the  
523 auditing of fixed assets records as a minimum requirement for  
524 accreditation.



525       (18) \* \* \* The State Board of Education shall recommend a  
526 program to the Education Committees of the House of  
527 Representatives and the Senate for identifying and rewarding  
528 public schools that improve or are high performing. The program  
529 shall \* \* \* include criteria and a process through which improving  
530 schools and high-performing schools will be identified and  
531 rewarded.

532       The State Superintendent of Education and the State Board of  
533 Education also shall develop a comprehensive accountability plan  
534 to ensure that local school boards, superintendents, principals  
535 and teachers are held accountable for student achievement. \* \* \*

536       (19) Before January 1, 2008, the State Board of Education  
537 shall evaluate and submit a recommendation to the Education  
538 Committees of the House of Representatives and the Senate on the  
539 inclusion of graduation rates and dropout rates in the school  
540 level accountability system.

541       **SECTION 2.** Section 37-18-7, Mississippi Code of 1972, is  
542 amended as follows:

543       37-18-7. (1) As part of the school improvement plan for a  
544 Priority School, a professional development plan shall be prepared  
545 for those school administrators, teachers or other employees who  
546 are identified by the evaluation team as needing improvement. The  
547 State Department of Education shall assist the Priority School in  
548 identifying funds necessary to fully implement the school  
549 improvement plan.

550       (2) (a) If a principal is deemed to be in need of  
551 improvement by the evaluation team, a professional development  
552 plan shall be developed for the principal, and the principal's  
553 full participation in the professional development plan shall be a  
554 condition of continued employment. The plan shall provide  
555 professional training in the roles and behaviors of an  
556 instructional leader and shall offer training specifically  
557 identified for that principal's needs. The principal of a

558 Priority School may be assigned mentors who have demonstrated  
559 expertise as an exemplary-performing principal. Mentors shall  
560 make a personal time commitment to this process and may not be  
561 evaluators of the principals being mentored. The local school  
562 administration shall continue to monitor and evaluate all school  
563 personnel during this period, evaluate their professional  
564 development plans and make personnel decisions as appropriate.

565 (b) At the end of the second year, if a school  
566 continues to be a Priority School and a principal has been at that  
567 school for three (3) or more years, the administration shall  
568 recommend and the local school board shall dismiss the principal  
569 in a manner consistent with Section 37-9-59, and the State Board  
570 of Education may initiate the school district conservatorship  
571 process authorized under Section 37-17-6. If extenuating  
572 circumstances exist, such as the assignment of a principal at a  
573 Priority School for less than two (2) years, other options may be  
574 considered, subject to approval by the State Board of Education.

575 (3) (a) If a teacher is deemed to be in need of  
576 professional development by the independent evaluation team, that  
577 teacher shall be required to participate in a professional  
578 development plan. This plan will provide professional training  
579 and will be based on each teacher's specific needs and teaching  
580 assignments. The teacher's full participation in the professional  
581 development plan shall be required. This process shall be  
582 followed by a performance-based evaluation, which shall monitor  
583 the teacher's teaching skills and teaching behavior over a period  
584 of time. This monitoring shall include announced and unannounced  
585 reviews. Additionally, the teacher also may be assigned a mentor  
586 who has demonstrated expertise as a high-performing teacher.

587 (b) If, after one (1) year, the teacher fails to  
588 perform, the local school administration shall reevaluate the  
589 teacher's professional development plan, make any necessary

590 adjustments to it, and require his participation in the plan for a  
591 second year.

592 (c) If, after the second year, the teacher fails to  
593 perform, the administration shall recommend and the local school  
594 shall dismiss the teacher in a manner consistent with Section  
595 37-9-59.

596 (4) (a) If the evaluation report reveals a school district  
597 central office problem, a superintendent of the school district  
598 having a Priority School shall be required to participate in a  
599 professional development plan. Additionally, the superintendent  
600 may be assigned mentors who are high-performing superintendents  
601 and have demonstrated expertise and knowledge of high-performing  
602 schools. The local school board will continue to evaluate the  
603 performance of the superintendent and his participation in a  
604 professional development plan, making appropriate revisions to the  
605 plan as needed.

606 (b) If a school continues to be a Priority School after  
607 a second year, the local school board may take one (1) of the  
608 following actions:

609 (i) Impose a cap on the superintendent's salary;

610 or

611 (ii) Make any necessary adjustments to his  
612 professional development plan and require his continued  
613 participation in a plan.

614 (c) If a school continues to be designated a Priority  
615 School after three (3) years of implementing a school improvement  
616 plan the State Board of Education shall, or if more than fifty  
617 percent (50%) of the schools within the school district are  
618 designated as Priority Schools in any one (1) year the State Board  
619 of Education may, issue a written request with documentation to  
620 the Governor asking that the office of the superintendent of such  
621 school district be subject to recall. Whenever the Governor  
622 declares that the office of the superintendent of such school

623 district is subject to recall, the local school board or the  
624 county election commission, as the case may be, shall take the  
625 following action:

626 (i) If the office of superintendent is an elected  
627 office, in those years in which there is no general election, the  
628 name shall be submitted by the State Board of Education to the  
629 county election commission \* \* \*, and the county election  
630 commission shall submit the question at a special election to the  
631 voters eligible to vote for the office of superintendent within  
632 the county. The special elections must be held within sixty (60)  
633 days of receipt of the notification from the State Board of  
634 Education. The ballot shall read substantially as follows:

635 "Shall County Superintendent of Education \_\_\_\_\_  
636 (here the name of the superintendent shall be inserted) of the  
637 \_\_\_\_\_ (here the title of the school district shall be  
638 inserted) be retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

639 If a majority of those voting on the question votes against  
640 retaining the superintendent in office, a vacancy shall exist  
641 which shall be filled in the manner provided by law; otherwise,  
642 the superintendent shall remain in office for the term of such  
643 office, and at the expiration of such term shall be eligible for  
644 qualification and election to another term or terms.

645 (ii) If the office of superintendent is an  
646 appointive office, the name of the superintendent shall be  
647 submitted by the president of the local school board at the next  
648 regular meeting of the school board for retention in office or  
649 dismissal from office. If a majority of the school board voting  
650 on the question vote against retaining the superintendent in  
651 office, a vacancy shall exist which shall be filled as provided by  
652 law, otherwise the superintendent shall remain in office for the  
653 duration of his employment contract.

654 (5) In the event a school continues to be designated a  
655 Priority School after three (3) years of implementing a school

656 improvement plan the State Board of Education shall, or in the  
657 event that more than fifty percent (50%) of the schools within the  
658 school district are designated as Priority Schools in any one (1)  
659 year the State Board of Education may, issue a written request  
660 with documentation to the Governor that the membership of the  
661 school board of such school district shall be subject to recall.  
662 Whenever the Governor declares that the membership of the school  
663 board shall be subject to recall, the county election commission  
664 or the local governing authorities, as the case may be, shall take  
665 the following action:

666           (a) If the members of the local school board are  
667 elected to office, in those years in which the specific member's  
668 office is not up for election, the name of the school board member  
669 shall be submitted by the State Board of Education to the county  
670 election commission \* \* \*, and the county election commission, at  
671 a special election, shall submit the question to the voters  
672 eligible to vote for the particular member's office within the  
673 county or school district, as the case may be. The special  
674 election must be held within sixty (60) days after receipt of the  
675 notification from the State Board of Education. The ballot shall  
676 read substantially as follows:

677           "Members of the \_\_\_\_\_ (here the title of the school  
678 district shall be inserted) School Board who are not up for  
679 election this year are subject to recall because of the school  
680 district's continued designation as a Priority School. Shall the  
681 member of the school board representing this area, \_\_\_\_\_  
682 (here the name of the school board member holding the office shall  
683 be inserted), be retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

684           If a majority of those voting on the question vote against  
685 retaining the member of the school board in office, a vacancy in  
686 that board member's office shall exist which shall be filled in  
687 the manner provided by law; otherwise, the school board member  
688 shall remain in office for the term of such office, and at the

689 expiration of the term of office, the member shall be eligible for  
690 qualification and election to another term or terms of office.  
691 However, if a majority of the school board members are recalled in  
692 the regular special election, the Governor shall authorize the  
693 board of supervisors of the county in which the school district is  
694 situated to appoint members to fill the offices of the members  
695 recalled. The board of supervisors shall make such appointments  
696 in the manner provided by law for filling vacancies on the school  
697 board, and the appointed members shall serve until the office is  
698 filled at the next regular special election or general election.

699 (b) If the local school board is an appointed school  
700 board, the name of all school board members shall be submitted as  
701 a collective board by the president of the municipal or county  
702 governing authority, as the case may be, at the next regular  
703 meeting of the governing authority for retention in office or  
704 dismissal from office. If a majority of the governing authority  
705 voting on the question vote against retaining the board in office,  
706 a vacancy shall exist in each school board member's office, which  
707 shall be filled as provided by law; otherwise, the members of the  
708 appointed school board shall remain in office for the duration of  
709 their term of appointment, and such members may be reappointed.

710 (c) If the local school board is comprised of both  
711 elected and appointed members, the elected members shall be  
712 subject to recall in the manner provided in paragraph (a) of this  
713 subsection. Appointed members shall be subject to recall in the  
714 manner provided in paragraph (b).

715 (6) In the event a school continues to be designated a  
716 Priority School after three (3) years of implementing a school  
717 improvement plan, or in the event that more than fifty percent  
718 (50%) of the schools within the school district are designated as  
719 Priority Schools in any one (1) year, the State Board of Education  
720 may request that the Governor declare a state of emergency in that  
721 school district. Upon the declaration of the state of emergency

722 by the Governor, the State Board of Education may take all such  
723 action for dealing with school districts as is authorized under  
724 subsection (11) or (14) of Section 37-17-6, including the  
725 appointment of an interim conservator.

726 (7) The State Department of Education shall make a  
727 semiannual report to the State Board of Education identifying the  
728 number and names of schools classified as Priority Schools, which  
729 shall include a description of the deficiencies identified and the  
730 actions recommended and implemented. The department shall also  
731 notify the State Board of Education of any Priority School which  
732 has successfully completed their improvement plans and shall  
733 notify the Governor and the Legislature of such school's progress.

734 (8) The State Board of Education shall direct and provide  
735 comprehensive staff development training for school administrators  
736 and teachers on the new requirements of this chapter. Any new  
737 assessment instruments to be used in conjunction with any  
738 evaluation required by this chapter shall be made available for  
739 review by teachers, administrators and other staff. Prior to  
740 evaluation of individual teachers, administrators and other staff  
741 pre-evaluation interviews will be conducted. Likewise, after any  
742 evaluation is complete, post-evaluation interviews will be  
743 conducted. During such post-interviews, evaluators shall identify  
744 and discuss the following: teaching techniques used, teaching  
745 strengths and weaknesses and an overall assessment of performance.

746 (9) No later than July 1 of each year the State Board of  
747 Education shall report to the State Legislature and the public at  
748 large:

749 (a) An itemized accounting of the use of state funds to  
750 provide technical, legal and financial assistance to each Priority  
751 School, and to such schools which had been designated as Priority  
752 Schools within the previous three (3) years, if such schools  
753 received such assistance at any time during the previous three (3)  
754 years;

755           (b) An explanation of the problems sought to be  
756 addressed in each such school receiving this assistance and for  
757 which such expenditure of funds was undertaken;

758           (c) The actions taken in each school district to  
759 utilize the funds to address the problems identified in paragraph  
760 (b) immediately above;

761           (d) An evaluation of the impact of the effort to  
762 address the problems identified;

763           (e) An assessment of what further actions need to be  
764 undertaken to address these problems, if such problems have not  
765 been entirely alleviated; and

766           (f) An assessment of the impact which Laws, 1999,  
767 Chapter 421, and Laws, 2000, Chapter 610 are having on the  
768 educational goals which these statutes sought to address.

769           **SECTION 3.** Section 37-17-13, Mississippi Code of 1972, is  
770 amended as follows:

771           37-17-13. (1) Whenever the Governor declares a state of  
772 emergency in a school district in response to a certification by  
773 the State Board of Education and the Commission on School  
774 Accreditation made under Section 37-17-6(11)(b), the State Board  
775 of Education, in addition to any actions taken under Section  
776 37-17-6, may abolish the school district and assume control and  
777 administration of the schools formerly constituting the district,  
778 and appoint a conservator to carry out this purpose under the  
779 direction of the State Board of Education. In such case, the  
780 State Board of Education shall have all powers which were held by  
781 the previously existing school board, and the previously existing  
782 superintendent of schools or county superintendent of education,  
783 including, but not limited to, those enumerated in Section  
784 37-7-301, and the authority to request tax levies from the  
785 appropriate governing authorities for the support of the schools  
786 and to receive and expend the tax funds as provided by Section  
787 37-57-1 et seq., and Section 37-57-105 et seq.



788           (2) When a school district is abolished under this section,  
789 loans from the School District Emergency Assistance Fund may be  
790 made by the State Board of Education for the use and benefit of  
791 the schools formerly constituting the district in accordance with  
792 the procedures set forth in Section 37-17-6(14) for such loans to  
793 the district. The abolition of a school district under this  
794 section shall not impair or release the property of that school  
795 district from liability for the payment of the loan indebtedness,  
796 and it shall be the duty of the appropriate governing authorities  
797 to levy taxes on the property of the district so abolished from  
798 year to year according to the terms of the indebtedness until same  
799 shall be fully paid.

800           (3) After a school district is abolished under this section,  
801 at such time as the State Board of Education determines that the  
802 impairments have been substantially corrected, the State Board of  
803 Education shall reconstitute, reorganize or change or alter the  
804 boundaries of the previously existing district; however, no  
805 partition or assignment of territory formerly included in the  
806 abolished district to one or more other school districts may be  
807 made by the State Board of Education without the consent of the  
808 school board of the school district to which such territory is to  
809 be transferred, such consent to be spread upon its minutes. At  
810 that time, the State Board of Education, in appropriate cases,  
811 shall notify the appropriate governing authority or authorities of  
812 its action and request them to provide for the election or  
813 appointment of school board members and a superintendent or  
814 superintendents to govern the district or districts affected, in  
815 the manner provided by law.

816           SECTION 4. If any section of this act is declared to be  
817 unconstitutional or void, or for any reason is declared to be  
818 invalid or of no effect, the remaining sections shall be in no  
819 matter affected thereby but shall remain in full force and effect.

820           **SECTION 5.** The Attorney General of the State of Mississippi  
821 shall submit this act, immediately upon approval by the Governor,  
822 or upon approval by the Legislature subsequent to a veto, to the  
823 Attorney General of the United States or to the United States  
824 District Court for the District of Columbia in accordance with the  
825 provisions of the Voting Rights Act of 1965, as amended and  
826 extended.

827           **SECTION 6.** This act shall take effect and be in force from  
828 and after July 1, 2007, or the date it is effectuated under  
829 Section 5 of the Voting Rights Act of 1965, as amended and  
830 extended, whichever is later.