

By: Senator(s) Chaney

To: Education

SENATE BILL NO. 2960

1 AN ACT TO AMEND SECTIONS 37-17-6, 37-17-13 AND 37-18-7,
 2 MISSISSIPPI CODE OF 1972, TO REVISE AND CLARIFY SANCTIONS
 3 APPLICABLE TO SCHOOLS AND SCHOOL DISTRICTS WHICH ARE UNDER
 4 CONSERVATORSHIP DUE TO A DECLARATION OF AN EMERGENCY OR A
 5 DESIGNATION AS A PRIORITY SCHOOL; TO CLARIFY THAT THE STATE BOARD
 6 OF EDUCATION MAY, IN ITS DISCRETION, ABOLISH AND ASSUME CONTROL OF
 7 A SCHOOL DISTRICT; TO PROVIDE THAT SUCH SANCTIONS INCLUDE THE
 8 CALLING OF A SPECIAL ELECTION FOR A REFERENDUM ON THE RETENTION OF
 9 THE ELECTED SUPERINTENDENT OR ELECTED SCHOOL BOARD MEMBERS IN SUCH
 10 SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO REPORT
 11 TO THE LEGISLATURE ON THE INCLUSION OF GRADUATION RATE AND DROPOUT
 12 RATE IN THE SCHOOL LEVEL ACCOUNTABILITY SYSTEM; AND FOR RELATED
 13 PURPOSES.

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

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

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

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

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

31	Number of Students	Number of Certified
32	Per School Library	School Librarians

33	0 - 499 Students	½ Full-time Equivalent
34		Certified Librarian
35	500 or More Students	1 Full-time Certified
36		Librarian

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

39 (c) The assignment of such school librarians to the
40 particular schools shall be at the discretion of the local school
41 district. No individual shall be employed as a certified school
42 librarian without appropriate training and certification as a
43 school librarian by the State Department of Education.

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

48 (e) Nothing in this subsection shall prohibit any
49 school district from employing more certified school librarians
50 than are provided for in this section.

51 (f) Any additional mileage levied to fund school
52 librarians required for accreditation under this subsection shall
53 be included in the tax increase limitation set forth in Sections
54 37-57-105 and 37-57-107 and shall not be deemed a new program for
55 purposes of the limitation.

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

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

62 (b) Strong accountability for results with appropriate
63 local flexibility for local implementation;

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

66 (d) Individual schools shall be held accountable for
67 student growth and performance;

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

71 (f) A determination of which schools exceed their
72 standards and a plan for providing recognition and rewards to such
73 schools;

74 (g) A determination of which schools are failing to
75 meet their standards and a determination of the appropriate role
76 of the State Board of Education and the State Department of
77 Education in providing assistance and initiating possible
78 intervention;

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

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

91 The State Board of Education may continue to assign school
92 district performance levels by using a number classification and
93 may assign individual school performance levels by using a number
94 classification to be consistent with school district performance
95 levels.

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

99 (6) The State Board of Education shall create an
100 accreditation audit unit under the Commission on School
101 Accreditation to determine whether schools are complying with
102 accreditation standards.

103 (7) The State Board of Education shall be specifically
104 authorized and empowered to withhold adequate minimum education
105 program or adequate education program fund allocations, whichever
106 is applicable, to any public school district for failure to timely
107 report student, school personnel and fiscal data necessary to meet
108 state and/or federal requirements.

109 (8) Deleted.

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

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

124 (a) Develop an impairment report for each district
125 failing to meet accreditation standards in conjunction with school
126 district officials;

127 (b) Notify any applicable school district failing to
128 meet accreditation standards that it is on probation until
129 corrective actions are taken or until the deficiencies have been
130 removed. The local school district shall develop a corrective
131 action plan to improve its deficiencies. For district academic

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

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

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

162 (e) Provide for publication of public notice at least
163 one (1) time during the probationary period, in a newspaper
164 published within the jurisdiction of the school district failing

165 to meet accreditation standards, or if no newspaper is published
166 therein, then in a newspaper having a general circulation therein.
167 The publication shall include the following: declaration of
168 school system's status as being on probation; all details relating
169 to the impairment report, and other information as the State Board
170 of Education deems appropriate. Public notices issued under this
171 section shall be subject to Section 13-3-31 and not contrary to
172 other laws regarding newspaper publication.

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

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

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

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

211 (ii) Override any decision of the local school
212 board or superintendent of education, or both, concerning the
213 management and operation of the school district, or initiate and
214 make decisions concerning the management and operation of the
215 school district;

216 (iii) Assign an interim conservator who will have
217 those powers and duties prescribed in subsection (14) of this
218 section;

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

223 (v) For states of emergency declared under
224 paragraph (a) only, if the accreditation deficiencies are related
225 to the fact that the school district is too small, with too few
226 resources, to meet the required standards and if another school
227 district is willing to accept those students, abolish that
228 district and assign that territory to another school district or
229 districts. If the school district has proposed a voluntary
230 consolidation with another school district or districts, then if

231 the State Board of Education finds that it is in the best interest
232 of the pupils of the district for such consolidation to proceed,
233 the voluntary consolidation shall have priority over any such
234 assignment of territory by the State Board of Education;

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

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

246 (d) At such time as satisfactory corrective action has
247 been taken in a school district in which a state of emergency has
248 been declared, the State Board of Education may request the
249 Governor to declare that the state of emergency no longer exists
250 in the district.

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

259 (12) Upon the declaration of a state of emergency in a
260 school district under subsection (11) of this section, the
261 Commission on School Accreditation shall be responsible for public
262 notice at least once a week for at least three (3) consecutive
263 weeks in a newspaper published within the jurisdiction of the

264 school district failing to meet accreditation standards, or if no
265 newspaper is published therein, then in a newspaper having a
266 general circulation therein. The size of such notice shall be no
267 smaller than one-fourth (1/4) of a standard newspaper page and
268 shall be printed in bold print. If a conservator has been
269 appointed for the school district, such notice shall begin as
270 follows: "By authority of Section 37-17-6, Mississippi Code of
271 1972, as amended, adopted by the Mississippi Legislature during
272 the 1991 Regular Session, this school district (name of school
273 district) is hereby placed under the jurisdiction of the State
274 Department of Education acting through its appointed conservator
275 (name of conservator)."

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

285 Upon termination of the state of emergency in a school
286 district, the Commission on School Accreditation shall cause
287 notice to be published in the school district in the same manner
288 provided in this section, to include any or all details relating
289 to the corrective action taken in the school district which
290 resulted in the termination of the state of emergency.

291 (13) The State Board of Education or the Commission on
292 School Accreditation shall have the authority to require school
293 districts to produce the necessary reports, correspondence,
294 financial statements, and any other documents and information
295 necessary to fulfill the requirements of this section.

296 Nothing in this section shall be construed to grant any
297 individual, corporation, board or conservator the authority to
298 levy taxes except in accordance with presently existing statutory
299 provisions.

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

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

317 (ii) Supervising the day-to-day activities of the
318 district's staff, including reassigning the duties and
319 responsibilities of personnel in a manner which, in the
320 determination of the conservator, will best suit the needs of the
321 district;

322 (iii) Reviewing the district's total financial
323 obligations and operations and making recommendations to the
324 district for cost savings, including, but not limited to,
325 reassigning the duties and responsibilities of staff;

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

328 (v) Approving or disapproving all athletic, band
329 and other extracurricular activities and any matters related to
330 those activities;

331 (vi) Maintaining a detailed account of
332 recommendations made to the district and actions taken in response
333 to those recommendations;

334 (vii) Reporting periodically to the State Board of
335 Education on the progress or lack of progress being made in the
336 district to improve the district's impairments during the state of
337 emergency; and

338 (viii) Appointing a parent advisory committee,
339 comprised of parents of students in the school district, which may
340 make recommendations to the conservator concerning the
341 administration, management and operation of the school district.

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

352 At such time as the Governor, pursuant to the request of the
353 State Board of Education, declares that the state of emergency no
354 longer exists in a school district, the powers and
355 responsibilities of the interim conservator assigned to such
356 district shall cease.

357 (b) In order to provide loans to school districts under
358 a state of emergency which have impairments related to a lack of
359 financial resources, the School District Emergency Assistance Fund
360 is created as a special fund in the State Treasury into which

361 monies may be transferred or appropriated by the Legislature from
362 any available public education funds. The maximum amount that may
363 be appropriated or transferred to the School District Emergency
364 Assistance Fund for any one (1) emergency shall be Two Million
365 Dollars (\$2,000,000.00), and the maximum amount that may be
366 appropriated during any fiscal year shall be Three Million Dollars
367 (\$3,000,000.00).

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

390 If the State Board of Education determines that an extreme
391 emergency exists, simultaneous with the powers exercised in this
392 subsection, it shall take immediate action against all parties
393 responsible for the affected school districts having been

394 determined to be in an extreme emergency. Such action shall
395 include, but not be limited to, initiating civil actions to
396 recover funds and criminal actions to account for criminal
397 activity. Any funds recovered by the State Auditor or the State
398 Board of Education from the surety bonds of school officials or
399 from any civil action brought under this subsection shall be
400 applied toward the repayment of any loan made to a school district
401 hereunder.

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

414 (16) (a) If the State Board of Education declares a state
415 of emergency in a district, the State Board of Education may take
416 all such action for dealing with the school district as is
417 authorized under subsection (11) or (14) of Section 37-17-6,
418 including the appointment of an interim conservator. The State
419 Board of Education shall also have the authority to issue a
420 written request with documentation to the Governor asking that the
421 office of the superintendent of such school district be subject to
422 recall. Whenever the Governor declares that the office of the
423 superintendent of such school district is subject to recall, the
424 local school board or the county election commission, as the case
425 may be, shall take the following action:

426 (i) If the office of superintendent is an elected
427 office, in those years in which there is no general election, the
428 name shall be submitted by the State Board of Education to the
429 county election commission, and the county election commission
430 shall submit the question at a special election to the voters
431 eligible to vote for the office of superintendent within the
432 county, and such special election shall be held within sixty (60)
433 days from notification by the State Board of Education. The
434 ballot shall read substantially as follows:

435 "Shall County Superintendent of Education _____ (here the
436 name of the superintendent shall be inserted) of the _____
437 (here the title of the school district shall be inserted) be
438 retained in office? Yes _____ No _____"

439 If a majority of those voting on the question votes against
440 retaining the superintendent in office, a vacancy shall exist
441 which shall be filled in the manner provided by law; otherwise,
442 the superintendent shall remain in office for the term of such
443 office, and at the expiration of such term shall be eligible for
444 qualification and election to another term or terms.

445 (ii) If the office of superintendent is an
446 appointive office, the name of the superintendent shall be
447 submitted by the president of the local school board at the next
448 regular meeting of the school board for retention in office or
449 dismissal from office. If a majority of the school board voting
450 on the question vote against retaining the superintendent in
451 office, a vacancy shall exist which shall be filled as provided by
452 law, otherwise the superintendent shall remain in office for the
453 duration of his employment contract.

454 (b) The State Board of Education may issue a written
455 request with documentation to the Governor that the membership of
456 the school board of such school district shall be subject to
457 recall. Whenever the Governor declares that the membership of the
458 school board shall be subject to recall, the county election

459 commission or the local governing authorities, as the case may be,
460 shall take the following action:

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

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

481 If a majority of those voting on the question vote against
482 retaining the member of the school board in office, a vacancy in
483 that board member's office shall exist which shall be filled in
484 the manner provided by law; otherwise, the school board member
485 shall remain in office for the term of such office, and at the
486 expiration of the term of office, the member shall be eligible for
487 qualification and election to another term or terms of office.
488 However, if a majority of the school board members are recalled in
489 the special election, the Governor shall authorize the board of
490 supervisors of the county in which the school district is situated
491 to appoint members to fill the offices of the members recalled.

492 The board of supervisors shall make such appointments in the
493 manner provided by law for filling vacancies on the school board,
494 and the appointed members shall serve until the office is filled
495 at the next regular special election or general election.

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

508 (iii) If the local school board is comprised of
509 both elected and appointed members, the elected members shall be
510 subject to recall in the manner provided in subparagraph (i) of
511 this subsection. Appointed members shall be subject to recall in
512 the manner provided in subparagraph (ii).

513 (17) Beginning with the school district audits conducted for
514 the 1997-1998 fiscal year, the State Board of Education, acting
515 through the Commission on School Accreditation, shall require each
516 school district to comply with standards established by the State
517 Department of Audit for the verification of fixed assets and the
518 auditing of fixed assets records as a minimum requirement for
519 accreditation.

520 (18) Before December 1, 1999, the State Board of Education
521 shall recommend a program to the Education Committees of the House
522 of Representatives and the Senate for identifying and rewarding
523 public schools that improve or are high performing. The program
524 shall be described by the board in a written report, which shall

525 include criteria and a process through which improving schools and
526 high-performing schools will be identified and rewarded.

527 The State Superintendent of Education and the State Board of
528 Education also shall develop a comprehensive accountability plan
529 to ensure that local school boards, superintendents, principals
530 and teachers are held accountable for student achievement. A
531 written report on the accountability plan shall be submitted to
532 the Education Committees of both houses of the Legislature before
533 December 1, 1999, with any necessary legislative recommendations.

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

539 **SECTION 2.** Section 37-17-13, Mississippi Code of 1972, is
540 amended as follows:

541 37-17-13. (1) Whenever the Governor declares a state of
542 emergency in a school district in response to a certification by
543 the State Board of Education and the Commission on School
544 Accreditation made under Section 37-17-6(11)(b), the State Board
545 of Education, in addition to any actions taken under Section
546 37-17-6, may abolish the school district and assume control and
547 administration of the schools formerly constituting the district,
548 and appoint a conservator to carry out this purpose under the
549 direction of the State Board of Education. In such case, the
550 State Board of Education shall have all powers which were held by
551 the previously existing school board, and the previously existing
552 superintendent of schools or county superintendent of education,
553 including, but not limited to, those enumerated in Section
554 37-7-301, and the authority to request tax levies from the
555 appropriate governing authorities for the support of the schools
556 and to receive and expend the tax funds as provided by Section
557 37-57-1 et seq., and Section 37-57-105 et seq.

558 (2) When a school district is abolished under this section,
559 loans from the School District Emergency Assistance Fund may be
560 made by the State Board of Education for the use and benefit of
561 the schools formerly constituting the district in accordance with
562 the procedures set forth in Section 37-17-6(14) for such loans to
563 the district. The abolition of a school district under this
564 section shall not impair or release the property of that school
565 district from liability for the payment of the loan indebtedness,
566 and it shall be the duty of the appropriate governing authorities
567 to levy taxes on the property of the district so abolished from
568 year to year according to the terms of the indebtedness until same
569 shall be fully paid.

570 (3) After a school district is abolished under this section,
571 at such time as the State Board of Education determines that the
572 impairments have been substantially corrected, the State Board of
573 Education shall reconstitute, reorganize or change or alter the
574 boundaries of the previously existing district; however, no
575 partition or assignment of territory formerly included in the
576 abolished district to one or more other school districts may be
577 made by the State Board of Education without the consent of the
578 school board of the school district to which such territory is to
579 be transferred, such consent to be spread upon its minutes. At
580 that time, the State Board of Education, in appropriate cases,
581 shall notify the appropriate governing authority or authorities of
582 its action and request them to provide for the election or
583 appointment of school board members and a superintendent or
584 superintendents to govern the district or districts affected, in
585 the manner provided by law.

586 **SECTION 3.** Section 37-18-7, Mississippi Code of 1972, is
587 amended as follows:

588 37-18-7. (1) As part of the school improvement plan for a
589 Priority School, a professional development plan shall be prepared
590 for those school administrators, teachers or other employees who

591 are identified by the evaluation team as needing improvement. The
592 State Department of Education shall assist the Priority School in
593 identifying funds necessary to fully implement the school
594 improvement plan.

595 (2) (a) If a principal is deemed to be in need of
596 improvement by the evaluation team, a professional development
597 plan shall be developed for the principal, and the principal's
598 full participation in the professional development plan shall be a
599 condition of continued employment. The plan shall provide
600 professional training in the roles and behaviors of an
601 instructional leader and shall offer training specifically
602 identified for that principal's needs. The principal of a
603 Priority School may be assigned mentors who have demonstrated
604 expertise as an exemplary-performing principal. Mentors shall
605 make a personal time commitment to this process and may not be
606 evaluators of the principals being mentored. The local school
607 administration shall continue to monitor and evaluate all school
608 personnel during this period, evaluate their professional
609 development plans and make personnel decisions as appropriate.

610 (b) At the end of the second year, if a school
611 continues to be a Priority School and a principal has been at that
612 school for three (3) or more years, the administration shall
613 recommend and the local school board shall dismiss the principal
614 in a manner consistent with Section 37-9-59, and the State Board
615 of Education may initiate the school district conservatorship
616 process authorized under Section 37-17-6. If extenuating
617 circumstances exist, such as the assignment of a principal at a
618 Priority School for less than two (2) years, other options may be
619 considered, subject to approval by the State Board of Education.

620 (3) (a) If a teacher is deemed to be in need of
621 professional development by the independent evaluation team, that
622 teacher shall be required to participate in a professional
623 development plan. This plan will provide professional training

624 and will be based on each teacher's specific needs and teaching
625 assignments. The teacher's full participation in the professional
626 development plan shall be required. This process shall be
627 followed by a performance-based evaluation, which shall monitor
628 the teacher's teaching skills and teaching behavior over a period
629 of time. This monitoring shall include announced and unannounced
630 reviews. Additionally, the teacher also may be assigned a mentor
631 who has demonstrated expertise as a high-performing teacher.

632 (b) If, after one (1) year, the teacher fails to
633 perform, the local school administration shall reevaluate the
634 teacher's professional development plan, make any necessary
635 adjustments to it, and require his participation in the plan for a
636 second year.

637 (c) If, after the second year, the teacher fails to
638 perform, the administration shall recommend and the local school
639 shall dismiss the teacher in a manner consistent with Section
640 37-9-59.

641 (4) (a) If the evaluation report reveals a school district
642 central office problem, a superintendent of the school district
643 having a Priority School shall be required to participate in a
644 professional development plan. Additionally, the superintendent
645 may be assigned mentors who are high-performing superintendents
646 and have demonstrated expertise and knowledge of high-performing
647 schools. The local school board will continue to evaluate the
648 performance of the superintendent and his participation in a
649 professional development plan, making appropriate revisions to the
650 plan as needed.

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

654 (i) Impose a cap on the superintendent's salary;
655 or

656 (ii) Make any necessary adjustments to his
657 professional development plan and require his continued
658 participation in a plan.

659 (c) If a school continues to be designated a Priority
660 School after three (3) years of implementing a school improvement
661 plan the State Board of Education shall, or if more than fifty
662 percent (50%) of the schools within the school district are
663 designated as Priority Schools in any one (1) year the State Board
664 of Education may, issue a written request with documentation to
665 the Governor asking that the office of the superintendent of such
666 school district be subject to recall. Whenever the Governor
667 declares that the office of the superintendent of such school
668 district is subject to recall, the local school board or the
669 county election commission, as the case may be, shall take the
670 following action:

671 (i) If the office of superintendent is an elected
672 office, in those years in which there is no general election, the
673 name shall be submitted by the State Board of Education to the
674 county election commission * * *, and the county election
675 commission shall submit the question at * * * a special election
676 to the voters eligible to vote for the office of superintendent
677 within the county and such special election shall be held within
678 sixty (60) days from notification by the State Board of Education.
679 The ballot shall read substantially as follows:

680 "Shall County Superintendent of Education _____
681 (here the name of the superintendent shall be inserted) of the
682 _____ (here the title of the school district shall be
683 inserted) be retained in office? Yes _____ No _____"

684 If a majority of those voting on the question votes against
685 retaining the superintendent in office, a vacancy shall exist
686 which shall be filled in the manner provided by law; otherwise,
687 the superintendent shall remain in office for the term of such

688 office, and at the expiration of such term shall be eligible for
689 qualification and election to another term or terms.

690 (ii) If the office of superintendent is an
691 appointive office, the name of the superintendent shall be
692 submitted by the president of the local school board at the next
693 regular meeting of the school board for retention in office or
694 dismissal from office. If a majority of the school board voting
695 on the question vote against retaining the superintendent in
696 office, a vacancy shall exist which shall be filled as provided by
697 law, otherwise the superintendent shall remain in office for the
698 duration of his employment contract.

699 (5) In the event a school continues to be designated a
700 Priority School after three (3) years of implementing a school
701 improvement plan the State Board of Education shall, or in the
702 event that more than fifty percent (50%) of the schools within the
703 school district are designated as Priority Schools in any one (1)
704 year the State Board of Education may, issue a written request
705 with documentation to the Governor that the membership of the
706 school board of such school district shall be subject to recall.
707 Whenever the Governor declares that the membership of the school
708 board shall be subject to recall, the county election commission
709 or the local governing authorities, as the case may be, shall take
710 the following action:

711 (a) If the members of the local school board are
712 elected to office, in those years in which the specific member's
713 office is not up for election, the name of the school board member
714 shall be submitted by the State Board of Education to the county
715 election commission * * *, and the county election commission
716 at * * * a special election shall submit the question to the
717 voters eligible to vote for the particular member's office within
718 the county or school district, as the case may be and such special
719 election shall be held within sixty (60) days from notification by

720 the State Board of Education. The ballot shall read substantially
721 as follows:

722 "Members of the _____ (here the title of the school
723 district shall be inserted) School Board who are not up for
724 election this year are subject to recall because of the school
725 district's continued designation as a Priority School. Shall the
726 member of the school board representing this area, _____
727 (here the name of the school board member holding the office shall
728 be inserted), be retained in office? Yes _____ No _____"

729 If a majority of those voting on the question vote against
730 retaining the member of the school board in office, a vacancy in
731 that board member's office shall exist which shall be filled in
732 the manner provided by law; otherwise, the school board member
733 shall remain in office for the term of such office, and at the
734 expiration of the term of office, the member shall be eligible for
735 qualification and election to another term or terms of office.
736 However, if a majority of the school board members are recalled in
737 the * * * special election, the Governor shall authorize the board
738 of supervisors of the county in which the school district is
739 situated to appoint members to fill the offices of the members
740 recalled. The board of supervisors shall make such appointments
741 in the manner provided by law for filling vacancies on the school
742 board, and the appointed members shall serve until the office is
743 filled at the next regular special election or general election.

744 (b) If the local school board is an appointed school
745 board, the name of all school board members shall be submitted as
746 a collective board by the president of the municipal or county
747 governing authority, as the case may be, at the next regular
748 meeting of the governing authority for retention in office or
749 dismissal from office. If a majority of the governing authority
750 voting on the question vote against retaining the board in office,
751 a vacancy shall exist in each school board member's office, which
752 shall be filled as provided by law; otherwise, the members of the

753 appointed school board shall remain in office for the duration of
754 their term of appointment, and such members may be reappointed.

755 (c) If the local school board is comprised of both
756 elected and appointed members, the elected members shall be
757 subject to recall in the manner provided in paragraph (a) of this
758 subsection. Appointed members shall be subject to recall in the
759 manner provided in paragraph (b).

760 (6) In the event a school continues to be designated a
761 Priority School after three (3) years of implementing a school
762 improvement plan, or in the event that more than fifty percent
763 (50%) of the schools within the school district are designated as
764 Priority Schools in any one (1) year, the State Board of Education
765 may request that the Governor declare a state of emergency in that
766 school district. Upon the declaration of the state of emergency
767 by the Governor, the State Board of Education may take all such
768 action for dealing with school districts as is authorized under
769 subsection (11) or (14) of Section 37-17-6, including the
770 appointment of an interim conservator.

771 (7) The State Department of Education shall make a
772 semiannual report to the State Board of Education identifying the
773 number and names of schools classified as Priority Schools, which
774 shall include a description of the deficiencies identified and the
775 actions recommended and implemented. The department shall also
776 notify the State Board of Education of any Priority School which
777 has successfully completed their improvement plans and shall
778 notify the Governor and the Legislature of such school's progress.

779 (8) The State Board of Education shall direct and provide
780 comprehensive staff development training for school administrators
781 and teachers on the new requirements of this chapter. Any new
782 assessment instruments to be used in conjunction with any
783 evaluation required by this chapter shall be made available for
784 review by teachers, administrators and other staff. Prior to
785 evaluation of individual teachers, administrators and other staff

786 pre-evaluation interviews will be conducted. Likewise, after any
787 evaluation is complete, post-evaluation interviews will be
788 conducted. During such post-interviews, evaluators shall identify
789 and discuss the following: teaching techniques used, teaching
790 strengths and weaknesses and an overall assessment of performance.

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

794 (a) An itemized accounting of the use of state funds to
795 provide technical, legal and financial assistance to each Priority
796 School, and to such schools which had been designated as Priority
797 Schools within the previous three (3) years, if such schools
798 received such assistance at any time during the previous three (3)
799 years;

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

803 (c) The actions taken in each school district to
804 utilize the funds to address the problems identified in paragraph
805 (b) immediately above;

806 (d) An evaluation of the impact of the effort to
807 address the problems identified;

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

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

814 **SECTION 4.** The Attorney General of the State of Mississippi
815 shall submit this act, immediately upon approval by the Governor,
816 or upon approval by the Legislature subsequent to a veto, to the
817 Attorney General of the United States or to the United States
818 District Court for the District of Columbia in accordance with the

819 provisions of the Voting Rights Act of 1965, as amended and
820 extended.

821 **SECTION 5.** This act shall take effect and be in force from
822 and after the date it is effectuated under Section 5 of the Voting
823 Rights Act of 1965, as amended and extended.