

By: Senator(s) Carmichael, Mettetal

To: Education;
AppropriationsSENATE BILL NO. 2666
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 37-18-1, 37-18-3, 37-18-5 AND
 2 37-18-7, MISSISSIPPI CODE OF 1972, TO CHANGE THE DESIGNATION OF
 3 "PRIORITY SCHOOLS" TO "SCHOOLS AT-RISK", TO MODIFY AND EXPAND THE
 4 DEFINITION OF AN AT-RISK SCHOOL, TO COMMIT THE LEGISLATURE TO THE
 5 APPROPRIATION OF ADEQUATE EDUCATION FUNDS FOR THE SUPPORT OF
 6 PROVIDING ASSISTANCE TO LOW PERFORMING SCHOOLS AND SCHOOL
 7 DISTRICTS; TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT
 8 REGULATIONS THAT REQUIRE SCHOOL DISTRICTS THAT RECEIVE ALLOCATIONS
 9 OF MISSISSIPPI ADEQUATE EDUCATION PROGRAM AT-RISK FUNDS TO
 10 SPECIFICALLY TARGET THE EXPENDITURE OF THOSE FUNDS TO IMPLEMENT
 11 EFFECTIVE PROGRAMS TO SERVE AT-RISK STUDENTS, AND THAT PROVIDE THE
 12 METHODS BY WHICH SCHOOL DISTRICTS WILL BE HELD ACCOUNTABLE FOR THE
 13 EXPENDITURE OF AT-RISK FUNDS; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 37-18-1, Mississippi Code of 1972, is
 16 amended as follows:

17 37-18-1. (1) The State Board of Education shall establish,
 18 design and implement a Superior-Performing Schools Program and an
 19 Exemplary Schools Program for identifying and rewarding public
 20 schools that improve. The State Board of Education shall develop
 21 rules and regulations for the program, establish criteria and
 22 establish a process through which Superior-Performing and
 23 Exemplary Schools will be identified and rewarded. Upon full
 24 implementation of the statewide testing program,
 25 Superior-Performing, Exemplary or School At-Risk designation shall
 26 be made by the State Board of Education in accordance with the
 27 following:

28 (a) A growth expectation will be established by testing
 29 students annually and, using a psychometrically approved formula,
 30 by tracking their progress. This growth expectation will result
 31 in a composite score each year for each school.



32 (b) A determination will be made as to the percentage
33 of students proficient in each school. This measurement will
34 define what a student must know in order to be deemed proficient
35 at each grade level and will clearly show how well a student is
36 performing. The definition of proficiency shall be developed for
37 each grade, based on a demonstrated range of performance in
38 relation to content as reflected in the Mississippi Curriculum
39 Frameworks. This range of performance must be established through
40 a formal procedure including educators, parents, community leaders
41 and other stakeholders.

42 (c) A school has the following two (2) methods for
43 designation as either a Superior-Performing or an Exemplary
44 School, to be determined on an annual basis:

45 (i) A school exceeds its growth expectation by a
46 percentage established by the State Board of Education; or

47 (ii) A school achieves the grade level proficiency
48 standard established by the State Board of Education.

49 Any school designated as a School At-Risk which exceeds its
50 growth expectation by a percentage established by the State Board
51 of Education shall no longer be considered a School At-Risk and
52 shall be eligible for monetary awards under this section.

53 (2) Superior-Performing and Exemplary Schools may apply to
54 the State Board of Education for monetary incentives to be used
55 for selected school needs, as identified by a vote of all licensed
56 and instructional personnel employed at the school. These
57 incentive funds may be used for specific school needs, including,
58 but not limited to:

59 (a) Funding for professional development activities.
60 Staff participating in such activities will report to the school
61 and school district about the benefits and lessons learned from
62 such training;

63 (b) Technology needs;



64 (c) Sabbaticals for teachers or administrators, or
65 both, to pursue additional professional development or educational
66 enrichment;

67 (d) Paid professional leave;

68 (e) Training for parents, including, but not limited
69 to, the following:

70 (i) Curriculum;

71 (ii) Chapter 1;

72 (iii) Special need students;

73 (iv) Student rights and responsibility;

74 (v) School and community relations;

75 (vi) Effective parenting.

76 All funds awarded under this subsection shall be subject to
77 specific appropriation therefor by the Legislature.

78 (3) The State Board of Education shall provide special
79 recognition to all schools receiving Superior-Performing or
80 Exemplary designation and their school districts. Examples of
81 such recognition include, but are not limited to: public
82 announcements and events; special recognition of student progress
83 and effort; certificates of recognition and plaques for teachers,
84 principals, superintendents, support and classified personnel and
85 parents; and media announcements utilizing the services of
86 Mississippi Educational Television.

87 **SECTION 2.** Section 37-18-3, Mississippi Code of 1972, is
88 amended as follows:

89 37-18-3. (1) Upon full implementation of the statewide
90 testing programs developed by the State Board of Education
91 pursuant to Chapter 16, Title 37, Mississippi Code of 1972, not
92 later than December 31, 2002, the board shall establish for those
93 individual schools failing to meet accreditation standards
94 established under this chapter for Schools At-Risk, a program of
95 development to be complied with in order to receive state funds.
96 The Legislature shall, subject to the availability of funds,



97 annually appropriate adequate funds to implement the provisions of
98 this chapter. The State Board of Education may, in its
99 discretion, assess local school districts for the costs of
100 implementing the provisions of this chapter.

101 (2) Following a thorough analysis of school data each year,
102 the State Department of Education shall identify those schools
103 that are deficient in educating students and are in need of
104 improvement. This analysis shall measure the individual school
105 performance by determining if a school met its assigned yearly
106 growth expectation and by determining what percentage of the
107 students in the school are proficient. A school shall be
108 identified as a School At-Risk and in need of assistance * * * if
109 the school: (a) does not meet its growth expectation and * * *
110 has a percentage of students functioning below grade level, as
111 designated by the State Board of Education; (b) is designated as a
112 Level 1 school, or other future comparable performance designation
113 by the State Board of Education; or (c) is designated as a Level 2
114 school, or other future comparable performance designation by the
115 State Board of Education, for two (2) consecutive years.

116 (3) Within fifteen (15) days after a School At-Risk has been
117 identified, written notice shall be sent by the State Board of
118 Education by certified mail to both the school principal and the
119 local board of education. Within fifteen (15) days after
120 notification the State Board of Education shall assign an
121 evaluation team to the school. The evaluation team shall consist
122 of a minimum of seven (7) trained members appointed by the State
123 Superintendent of Education and approved by the State Board of
124 Education from the following categories: (a) school
125 superintendents; (b) school principals; (c) curriculum
126 coordinators; (d) at least two (2) teachers; (e) local school
127 board members; (f) community leaders; (g) parents; and (h)
128 institutions of higher learning personnel. Optional evaluation
129 team members in specialized areas may be utilized by the State



130 Department of Education if needed. These additional members may
131 include individuals with expertise and knowledge in such areas as
132 vocational-technical education, special education, federal
133 programs and school technology. Evaluation team members shall be
134 independent of the school being evaluated and shall not be
135 employees of the State Department of Education. The team may
136 include retired educators who have met certain standards and have
137 completed all necessary training. All evaluation team members
138 shall be trained, at a minimum, in the following: (a) school
139 accreditation legal requirements; (b) data analysis; (c)
140 curriculum alignment; (d) effective curriculum and instructional
141 strategies; (e) the State Department of Education school
142 improvement plan process; (f) personnel appraisal; (g) effective
143 community involvement; (h) public relations; (i) safe and orderly
144 school climate; (j) policy development and implementation; (k)
145 effective school resource allocation; and (l) effective school
146 management. A team leader shall be chosen by the department for
147 each evaluation team to provide overall guidance to the team. The
148 State Department of Education shall assist each evaluation team by
149 providing administrative and clerical support.

150 (4) An approved evaluation team shall have the following
151 powers and duties:

152 (a) The evaluation team may request any financial
153 documentation that it deems necessary, and the School At-Risk,
154 with the assistance and cooperation of the school district central
155 office, shall submit such requested financial information to the
156 evaluation team.

157 (b) The evaluation team shall analyze the School's
158 At-Risk data to determine probable areas of weakness before
159 conducting an on-site audit. The evaluation team shall proceed to
160 conduct an on-site audit and shall prepare an evaluation report.
161 If necessary, the evaluation team may request additional
162 individuals in specialty areas to participate as team members in



163 preparing the evaluation. After completing the evaluation of the
164 School At-Risk, the team shall prepare and adopt its school
165 evaluation report, which shall be submitted to the State
166 Superintendent of Public Education for approval within forty-five
167 (45) calendar days. The school evaluation report shall identify
168 any personnel who were found by the evaluation team to be in need
169 of improvement and need to participate in a professional
170 development plan. Evaluation instruments used to evaluate
171 teachers, principals, superintendents or any other certified or
172 classified personnel will be instruments which have been validated
173 for such purposes.

174 (5) Following the approval of the evaluation report by the
175 State Superintendent of Public Education, a representative from
176 the State Superintendent of Education and the evaluation team
177 leader shall present the evaluation report to the principal of the
178 School At-Risk and to the superintendent and school board members
179 of the local school district. Following this presentation, the
180 evaluation report shall be presented to the community served by
181 the School At-Risk at an advertised public meeting.

182 **SECTION 3.** Section 37-18-5, Mississippi Code of 1972, is
183 amended as follows:

184 37-18-5. (1) Based on the findings of the evaluation report
185 and the results of the public meeting, the State Department of
186 Education and the evaluation team leader shall assist the school
187 principal and other local school officials in the development of a
188 school improvement plan to improve its deficiencies. A local
189 parents/citizens advisory council shall be established by the
190 evaluation team at the school in order to provide input and
191 guidance into the development of the school improvement plan and
192 its evaluation during the implementation period. Local
193 parent-teacher associations and other community-based
194 organizations shall have input in the selection of the
195 parents/citizens advisory council. Where no active local



196 parent-teacher group exists, the State Department of Education may
197 request assistance from the Mississippi Parent-Teacher Association
198 and other community-based organizations in the selection of the
199 local parents/citizens advisory council. The local
200 parents/citizens advisory council shall consist of representatives
201 from each of the following local groups: (a) five (5)
202 representatives of the local PTA, PTSA or other parent
203 organization, (b) two (2) local elected officials or community
204 activist, (c) two (2) students, (d) two (2) local business
205 leaders. Persons who are employed by the local school district
206 are not eligible for membership on the parents/citizens advisory
207 council.

208 (2) The school improvement plan shall be developed and
209 approved by the principal of the School At-Risk, the
210 superintendent of the local school district, the local school
211 board and a majority of the teachers of the school, within a time
212 period to be determined by the evaluation team. If the plan is
213 not approved, the State Board of Education may approve and
214 implement the plan in the school.

215 (3) The State Department of Education shall provide
216 technical assistance and shall assist in identifying funding to
217 the School At-Risk in the implementation of the school improvement
218 plan, including the implementation of any recommended professional
219 development plan, and the department may contract with the
220 institutions of higher learning to provide such technical
221 assistance. The assistance team shall collaborate with school and
222 school district employees in the implementation and monitoring of
223 the school improvement plan and the State Department of Education
224 shall ensure that a report is issued monthly to the local school
225 board and the local parents/citizens advisory council.

226 **SECTION 4.** Section 37-18-7, Mississippi Code of 1972, is
227 amended as follows:



228 37-18-7. (1) As part of the school improvement plan for a
229 School At-Risk, a professional development plan shall be prepared
230 for those school administrators, teachers or other employees who
231 are identified by the evaluation team as needing improvement. The
232 State Department of Education shall assist the School At-Risk in
233 identifying funds necessary to fully implement the school
234 improvement plan.

235 (2) (a) If a principal is deemed to be in need of
236 improvement by the evaluation team, a professional development
237 plan shall be developed for the principal, and the principal's
238 full participation in the professional development plan shall be a
239 condition of continued employment. The plan shall provide
240 professional training in the roles and behaviors of an
241 instructional leader and shall offer training specifically
242 identified for that principal's needs. The principal of a School
243 At-Risk may be assigned mentors who have demonstrated expertise as
244 an exemplary-performing principal. Mentors shall make a personal
245 time commitment to this process and may not be evaluators of the
246 principals being mentored. The local school administration shall
247 continue to monitor and evaluate all school personnel during this
248 period, evaluate their professional development plans and make
249 personnel decisions as appropriate.

250 (b) At the end of the second year, if a school
251 continues to be a School At-Risk and a principal has been at that
252 school for three (3) or more years, the administration shall
253 recommend and the local school board shall dismiss the principal
254 in a manner consistent with Section 37-9-59, and the State Board
255 of Education may initiate the school district conservatorship
256 process authorized under Section 37-17-6. If extenuating
257 circumstances exist, such as the assignment of a principal at a
258 School At-Risk for less than two (2) years, other options may be
259 considered, subject to approval by the State Board of Education.



260 (3) (a) If a teacher is deemed to be in need of
261 professional development by the independent evaluation team, that
262 teacher shall be required to participate in a professional
263 development plan. This plan will provide professional training
264 and will be based on each teacher's specific needs and teaching
265 assignments. The teacher's full participation in the professional
266 development plan shall be required. This process shall be
267 followed by a performance-based evaluation, which shall monitor
268 the teacher's teaching skills and teaching behavior over a period
269 of time. This monitoring shall include announced and unannounced
270 reviews. Additionally, the teacher also may be assigned a mentor
271 who has demonstrated expertise as a high-performing teacher.

272 (b) If, after one (1) year, the teacher fails to
273 perform, the local school administration shall reevaluate the
274 teacher's professional development plan, make any necessary
275 adjustments to it, and require his participation in the plan for a
276 second year.

277 (c) If, after the second year, the teacher fails to
278 perform, the administration shall recommend and the local school
279 shall dismiss the teacher in a manner consistent with Section
280 37-9-59.

281 (4) (a) If the evaluation report reveals a school district
282 central office problem, a superintendent of the school district
283 having a School At-Risk shall be required to participate in a
284 professional development plan. Additionally, the superintendent
285 may be assigned mentors who are high-performing superintendents
286 and have demonstrated expertise and knowledge of high-performing
287 schools. The local school board will continue to evaluate the
288 performance of the superintendent and his participation in a
289 professional development plan, making appropriate revisions to the
290 plan as needed.



291 (b) If a school continues to be a School At-Risk after
292 a second year, the local school board may take one (1) of the
293 following actions:

294 (i) Impose a cap on the superintendent's salary;
295 or

296 (ii) Make any necessary adjustments to his
297 professional development plan and require his continued
298 participation in a plan.

299 (c) If a school continues to be designated a School
300 At-Risk after three (3) years of implementing a school improvement
301 plan the State Board of Education shall, or if more than fifty
302 percent (50%) of the schools within the school district are
303 designated as Schools At-Risk in any one (1) year the State Board
304 of Education may, issue a written request with documentation to
305 the Governor asking that the office of the superintendent of such
306 school district be subject to recall. Whenever the Governor
307 declares that the office of the superintendent of such school
308 district is subject to recall, the local school board or the
309 county election commission, as the case may be, shall take the
310 following action:

311 (i) If the office of superintendent is an elected
312 office, in those years in which there is no general election, the
313 name shall be submitted by the State Board of Education to the
314 county election commission, and the county election commission
315 shall submit the question at a special election to the voters
316 eligible to vote for the office of superintendent within the
317 county and such special election shall be held within sixty (60)
318 days from notification by the State Board of Education. The
319 ballot shall read substantially as follows:

320 "Shall County Superintendent of Education _____
321 (here the name of the superintendent shall be inserted) of the
322 _____ (here the title of the school district shall be
323 inserted) be retained in office? Yes _____ No _____"



324 If a majority of those voting on the question votes against
325 retaining the superintendent in office, a vacancy shall exist
326 which shall be filled in the manner provided by law; otherwise,
327 the superintendent shall remain in office for the term of such
328 office, and at the expiration of such term shall be eligible for
329 qualification and election to another term or terms.

330 (ii) If the office of superintendent is an
331 appointive office, the name of the superintendent shall be
332 submitted by the president of the local school board at the next
333 regular meeting of the school board for retention in office or
334 dismissal from office. If a majority of the school board voting
335 on the question vote against retaining the superintendent in
336 office, a vacancy shall exist which shall be filled as provided by
337 law, otherwise, the superintendent shall remain in office for the
338 duration of his employment contract.

339 (5) In the event a school continues to be designated a
340 School At-Risk after three (3) years of implementing a school
341 improvement plan the State Board of Education shall, or in the
342 event that more than fifty percent (50%) of the schools within the
343 school district are designated as Schools At-Risk in any one (1)
344 year the State Board of Education may, issue a written request
345 with documentation to the Governor that the membership of the
346 school board of such school district shall be subject to recall.
347 Whenever the Governor declares that the membership of the school
348 board shall be subject to recall, the county election commission
349 or the local governing authorities, as the case may be, shall take
350 the following action:

351 (a) If the members of the local school board are
352 elected to office, in those years in which the specific member's
353 office is not up for election, the name of the school board member
354 shall be submitted by the State Board of Education to the county
355 election commission, and the county election commission at a
356 special election shall submit the question to the voters eligible



357 to vote for the particular member's office within the county or
358 school district, as the case may be, and such special election
359 shall be held within sixty (60) days from notification by the
360 State Board of Education. The ballot shall read substantially as
361 follows:

362 "Members of the _____ (here the title of the school
363 district shall be inserted) School Board who are not up for
364 election this year are subject to recall because of the school
365 district's continued designation as a School At-Risk. Shall the
366 member of the school board representing this area, _____
367 (here the name of the school board member holding the office shall
368 be inserted), be retained in office? Yes _____ No _____"

369 If a majority of those voting on the question vote against
370 retaining the member of the school board in office, a vacancy in
371 that board member's office shall exist which shall be filled in
372 the manner provided by law; otherwise, the school board member
373 shall remain in office for the term of such office, and at the
374 expiration of the term of office, the member shall be eligible for
375 qualification and election to another term or terms of office.
376 However, if a majority of the school board members are recalled in
377 the special election, the Governor shall authorize the board of
378 supervisors of the county in which the school district is situated
379 to appoint members to fill the offices of the members recalled.
380 The board of supervisors shall make such appointments in the
381 manner provided by law for filling vacancies on the school board,
382 and the appointed members shall serve until the office is filled
383 at the next regular special election or general election.

384 (b) If the local school board is an appointed school
385 board, the name of all school board members shall be submitted as
386 a collective board by the president of the municipal or county
387 governing authority, as the case may be, at the next regular
388 meeting of the governing authority for retention in office or
389 dismissal from office. If a majority of the governing authority



390 voting on the question vote against retaining the board in office,
391 a vacancy shall exist in each school board member's office, which
392 shall be filled as provided by law; otherwise, the members of the
393 appointed school board shall remain in office for the duration of
394 their term of appointment, and such members may be reappointed.

395 (c) If the local school board is comprised of both
396 elected and appointed members, the elected members shall be
397 subject to recall in the manner provided in paragraph (a) of this
398 subsection. Appointed members shall be subject to recall in the
399 manner provided in paragraph (b).

400 (6) In the event a school continues to be designated a
401 School At-Risk after three (3) years of implementing a school
402 improvement plan, or in the event that more than fifty percent
403 (50%) of the schools within the school district are designated as
404 Schools At-Risk in any one (1) year, the State Board of Education
405 may request that the Governor declare a state of emergency in that
406 school district. Upon the declaration of the state of emergency
407 by the Governor, the State Board of Education may take all such
408 action for dealing with school districts as is authorized under
409 subsection (11) or (14) of Section 37-17-6, including the
410 appointment of an interim conservator.

411 (7) The State Department of Education shall make a
412 semiannual report to the State Board of Education identifying the
413 number and names of schools classified as Schools At-Risk, which
414 shall include a description of the deficiencies identified and the
415 actions recommended and implemented. The department shall also
416 notify the State Board of Education of any School At-Risk which
417 has successfully completed their improvement plans and shall
418 notify the Governor and the Legislature of such school's progress.

419 (8) The State Board of Education shall direct and provide
420 comprehensive staff development training for school administrators
421 and teachers on the new requirements of this chapter. Any new
422 assessment instruments to be used in conjunction with any



423 evaluation required by this chapter shall be made available for
424 review by teachers, administrators and other staff. Prior to
425 evaluation of individual teachers, administrators and other staff
426 pre-evaluation interviews will be conducted. Likewise, after any
427 evaluation is complete, post-evaluation interviews will be
428 conducted. During such post-interviews, evaluators shall identify
429 and discuss the following: teaching techniques used, teaching
430 strengths and weaknesses and an overall assessment of performance.

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

434 (a) An itemized accounting of the use of state funds to
435 provide technical, legal and financial assistance to each School
436 At-Risk, and to such schools which had been designated as Schools
437 At-Risk within the previous three (3) years, if such schools
438 received such assistance at any time during the previous three (3)
439 years;

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

443 (c) The actions taken in each school district to
444 utilize the funds to address the problems identified in paragraph
445 (b) immediately above;

446 (d) An evaluation of the impact of the effort to
447 address the problems identified;

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

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

454 **SECTION 5.** The State Board of Education shall adopt rules
455 and regulations that:



456 (a) Require school districts that receive allocations
457 of Mississippi Adequate Education Program at-risk funds, as
458 prescribed by Section 37-151-7(1)(d), to specifically target the
459 expenditure of those funds to implement effective programs, as
460 determined by the State Department of Education, to serve at-risk
461 students; and

462 (b) Provide the methods by which school districts will
463 be expected to account for all expenditures of at-risk funds and
464 how school districts will be held accountable for the expenditure
465 of at-risk funds.

466 **SECTION 6.** This act shall take effect and be in force from
467 and after July 1, 2008.

