

By: Senator(s) Jordan, Jackson (11th)

To: Education;
AppropriationsSENATE BILL NO. 2288
(As Sent to Governor)

1 AN ACT TO CODIFY SECTION 37-152-3, MISSISSIPPI CODE OF 1972,
2 TO CONTINUE THE TASK FORCE TO STUDY AND REPORT ON THE STATUS OF
3 FAILING SCHOOLS AND SCHOOL DISTRICTS IN MISSISSIPPI, EFFECTIVENESS
4 MEASURES FOR IMPROVEMENT OF THOSE SCHOOLS AND SCHOOL DISTRICTS,
5 AND ENHANCEMENT OF ACCOUNTABILITY AND SANCTIONS IMPOSED ON THOSE
6 SCHOOLS AND SCHOOL DISTRICTS; TO DIRECT THE TASK FORCE TO STUDY
7 AND REPORT ON THE ADVANTAGES, DISADVANTAGES AND FEASIBILITY OF
8 SCHOOL DISTRICT CONSOLIDATION IN MISSISSIPPI; TO DIRECT THE TASK
9 FORCE TO STUDY AND REPORT ON THE GOVERNANCE STRUCTURE OF LOCAL
10 SCHOOL BOARDS; TO DIRECT THE TASK FORCE TO STUDY AND REPORT ON THE
11 OPERATION OF ALTERNATIVE SCHOOL PROGRAMS; TO CREATE THE TEEN
12 PREGNANCY TASK FORCE TO STUDY AND MAKE RECOMMENDATION TO THE
13 LEGISLATURE ON THE COORDINATION OF SERVICES TO REDUCE TEEN
14 PREGNANCY AND PROVIDE PRENATAL AND POSTNATAL TRAINING TO EXPECTANT
15 TEEN PARENTS IN MISSISSIPPI; TO DIRECT THE HOUSE AND SENATE
16 EDUCATION COMMITTEES TO STUDY CERTAIN MATTERS RELATING TO DEAF
17 EDUCATION; TO ESTABLISH THE MISSISSIPPI SESQUICENTENNIAL OF THE
18 AMERICAN CIVIL WAR COMMISSION, TO PREPARE FOR AND COMMEMORATE THE
19 SESQUICENTENNIAL OF MISSISSIPPI'S PARTICIPATION IN THE AMERICAN
20 CIVIL WAR; TO PROVIDE FOR THE COMMISSION'S MEMBERSHIP,
21 ORGANIZATION AND RESPONSIBILITIES; TO PROVIDE AN ANNUAL
22 APPROPRIATION FOR THE COMMISSION; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** The following shall be codified as Section
25 37-152-3, Mississippi Code of 1972:

26 37-152-3. (1) It is the intent of the Legislature and the
27 expectation of each community in the state that all children
28 receive a quality public education and attend a school that
29 provides for this opportunity. The Legislature also recognizes
30 that annual performance reports show that a significant number of
31 schools and school districts consistently underperform and fail to
32 meet the minimum performance measures that define success.

33 (2) To assist the Legislature in shaping public policy to
34 improve student outcomes and educational opportunities for all
35 students in the state, there is established a task force to study



36 and report on the status of failing schools and school districts
37 in Mississippi, effectiveness measures for improvement of those
38 schools and school districts, and enhancement of accountability
39 and sanctions imposed on those schools and school districts.

40 (3) The task force shall be composed of the following
41 fifteen (15) members:

42 (a) The Chairmen of the House and Senate Education
43 Committees;

44 (b) The Chairmen of the House and Senate Appropriations
45 Committees;

46 (c) The State Superintendent of Public Education;

47 (d) The Director of the Office of Educational
48 Accountability, State Department of Education;

49 (e) A business leader in the state appointed by the
50 Speaker of the House of Representatives from the Third Supreme
51 Court District;

52 (f) A business leader in the state appointed by the
53 Lieutenant Governor from the First Supreme Court District;

54 (g) A business leader in the state appointed by the
55 Governor from the Second Supreme Court District;

56 (h) The Director of the Mississippi Economic Council,
57 or his designee;

58 (i) The superintendent of a local public school
59 district appointed by the Lieutenant Governor;

60 (j) A member of a local public school board appointed
61 by the Speaker of the House of Representatives;

62 (k) A classroom teacher in a public school who has not
63 less than five (5) years' teaching experience in the public
64 schools, appointed by the State Superintendent of Public
65 Education;

66 (l) A parent of a child who is a student in a public
67 school, appointed by the Governor; and

68 (m) A representative of the Governor's office.



69 (4) Appointments to the task force must be made within
70 thirty (30) days after the effective date of this act. Within
71 fifteen (15) days after the expiration of the period for making
72 appointments, on a day to be designated by the State
73 Superintendent of Public Education, the task force shall meet and
74 organize by selecting from its membership a chairman and a vice
75 chairman. The vice chairman also must serve as secretary and be
76 responsible for keeping all records of the task force. A majority
77 of the membership of the task force shall constitute a quorum. In
78 the selection of its officers and the adoption of rules,
79 resolutions and reports, an affirmative vote of a majority of the
80 task force shall be required. All members must be notified in
81 writing of all meetings at least five (5) days before the date on
82 which a meeting of the task force is scheduled.

83 (5) The task force may contract for any professional
84 services that it deems necessary to complete its work and may tour
85 at least two (2) failing schools and school districts in the state
86 and two (2) Level 5 schools and school districts in the state.
87 The Legislature shall appropriate sufficient funding to the State
88 Department of Education for the contractual costs and travel
89 associated with attending meetings and for the on-site visits to
90 school districts.

91 (6) Members of the task force who are not legislators, state
92 officials or state employees shall be compensated at the per diem
93 rate authorized by Section 25-3-69 and reimbursed in accordance
94 with Section 25-3-41 for mileage and actual expenses incurred in
95 the performance of their duties. Legislative members of the task
96 force shall be paid from the contingent expense funds of their
97 respective houses in the same manner as provided for committee
98 meetings when the Legislature is not in session; however, no per
99 diem or expense for attending meetings of the task force may be
100 paid while the Legislature is in session. Task force members may
101 not incur per diem, travel or other expenses unless previously



102 authorized by vote at a meeting of the task force, which action
103 must be recorded in the official minutes of the meeting.
104 Nonlegislative members may be paid from any funds made available
105 to the task force for that purpose.

106 (7) The task force shall compile data, study and report on
107 the following matters:

108 (a) The factors used to determine and define both
109 failing and Level 5 schools or school districts;

110 (b) Current resources and assistance available to both
111 failing and Level 5 schools or school districts;

112 (c) Identification of additional assistance and
113 resources which are needed in failing schools and school
114 districts;

115 (d) How effectively failing schools and school
116 districts utilize available assistance and resources;

117 (e) Current accountability measures and sanctions
118 imposed on failing schools and school districts;

119 (f) A comparison of how other states across the nation
120 provide assistance and resources and determine accountability
121 measures and sanctions for failing schools and school districts;

122 (g) Practical and effective accountability measures and
123 sanctions that will foster improvements in a timely manner in
124 failing schools and school districts;

125 (h) Benchmarks, including academic performance,
126 leadership capacity and financial stability, which must be met for
127 a district to be released from conservatorship; and

128 (i) Any other issues relating to failing schools and
129 school districts deemed significant by the task force.

130 (8) In addition, the task force shall hear testimony from
131 experts as well as compile data, study and report on the following
132 matters:



133 (a) A history of school district consolidation in
134 Mississippi, and a comparison of the history and outcomes of
135 school district consolidation in other states in the nation;

136 (b) The feasibility of consolidation in Mississippi,
137 including specifically examining parts of the state that may have
138 multiple school districts in the same general area, or in parts of
139 the state that have small or rural local school districts, and
140 evaluating how effectively those school districts are currently
141 using their resources;

142 (c) The financial impact of school district
143 consolidation on the local school districts and the local economy
144 to include millage rates, bond indebtedness, teacher pay and other
145 issues;

146 (d) The effect of school district consolidation on
147 student performance, the scope of the curriculum and the quality
148 of instruction;

149 (e) The impact of school district consolidation on the
150 identity of the school community, including administrators,
151 faculty, staff, parents and students, as well as the larger
152 community;

153 (f) The effect of school district consolidation on
154 issues relating to school board and superintendent elections; and

155 (g) Any other issues relating to school district
156 consolidation deemed significant by the task force.

157 (9) In addition, the task force shall hear testimony from
158 experts as well as compile data, study and report on the following
159 matters:

160 (a) The selection and governance structure of local
161 school boards in Mississippi. The purpose of such study is to
162 review current statutory provisions for the selection of school
163 board members and the forms of governance of school boards and to
164 consider optional methods of selection, composition and authority



165 of school boards in Mississippi which may enhance and promote more
166 efficient operations of school systems;

167 (b) The function of alternative school programs in
168 Mississippi to help at-risk students to successfully re-enter the
169 mainstream school setting through remediation and modified
170 behavioral isolation in a highly structured positive environment:

171 (i) Review and consider coordinated services and
172 plans and related studies done by or through existing state
173 agencies and advisory, policy or research organizations to
174 increase the accountability of alternative schools;

175 (ii) Review and consider the referral of students
176 to alternative schools to correct and prevent disparate treatment
177 of students and to ensure that proper procedural protections are
178 in place to provide due process;

179 (iii) Consider objectives to facilitate
180 appropriate services being provided to alternative schools in
181 every school district;

182 (iv) Consider compliance with existing legal and
183 policy requirements for individualized instructional plans,
184 curricula addressing cultural and learning style differences, a
185 rigorous workload, minimal noninstructional time, counseling for
186 parents and students, clean, safe and functional facilities and
187 staff with adequate credentials; and

188 (v) Consider correcting noncompliance by providing
189 authority to the Mississippi Department of Education to create an
190 accessible process by which parents could file complaints
191 regarding denial of services to students that are guaranteed by
192 law;

193 (c) Any other related issues determined by the task
194 force.

195 (10) The State Department of Education shall provide
196 appropriate staff to assist the task force with carrying out its
197 duties. Before January 2, 2010, and annually thereafter, the task



198 force shall submit to the Legislature and the Governor a written
199 report of its findings and recommendations on measures to improve
200 underperforming schools and school districts and enhancement of
201 accountability measures and sanctions imposed on underperforming
202 schools and school districts, and the other educational issues
203 assigned under subsections (8) and (9). The task force shall
204 continue in existence and shall conduct a periodic study to
205 monitor and update its recommendations relative to failing school
206 districts and other educational issues under its jurisdiction and
207 make annual reports.

208 (11) This section shall stand repealed on July 1, 2012.

209 **SECTION 2.** (1) There is created the Teen Pregnancy Task
210 Force to study and make recommendation to the Legislature on the
211 coordination of services to reduce teen pregnancy and provide
212 prenatal and postnatal training to expectant teen parents in
213 Mississippi. The task force shall make a report of its findings
214 and recommendations to the Legislature during the 2010 Regular
215 Session.

216 (2) The task force shall be composed of the following
217 sixteen (16) members:

218 (a) The Chairmen of the Senate and House Public Health
219 and Welfare Committees, or their designees;

220 (b) The Chairmen of the Senate and House Education
221 Committees, or their designees;

222 (c) The Chairman of the House Select Committee on
223 Poverty;

224 (d) One (1) member of the Senate appointed by the
225 Lieutenant Governor;

226 (e) The Executive Director of the Department of Human
227 Services, or designee;

228 (f) The State Health Officer, or designee;

229 (g) The State Superintendent of Public Education, or
230 designee;



231 (h) The Executive Director of the Division of Medicaid,
232 or designee;

233 (i) The Executive Director of the State Department of
234 Mental Health, or designee;

235 (j) The Vice Chancellor for Health Affairs and Dean of
236 the University of Mississippi Medical Center School of Medicine,
237 or designee;

238 (k) Two (2) representatives of the private health or
239 social services sector appointed by the Governor;

240 (l) One (1) representative of the private health or
241 social services sector appointed by the Lieutenant Governor; and

242 (m) One (1) representative of the private health or
243 social services sector appointed by the Speaker of the House of
244 Representatives.

245 (3) Appointments shall be made within thirty (30) days after
246 the effective date of this act, and, within fifteen (15) days
247 thereafter on a day to be designated jointly by the Speaker of the
248 House and the Lieutenant Governor, the task force shall meet and
249 organize by selecting from its membership a chairman and a vice
250 chairman. The vice chairman shall also serve as secretary and
251 shall be responsible for keeping all records of the task force. A
252 majority of the members of the task force shall constitute a
253 quorum. In the selection of its officers and the adoption of
254 rules, resolutions and reports, an affirmative vote of a majority
255 of the task force shall be required. All members shall be
256 notified in writing of all meetings, such notices to be mailed at
257 least fifteen (15) days before the date on which a meeting is to
258 be held.

259 (4) Members of the task force who are not legislators, state
260 officials or state employees shall be compensated at the per diem
261 rate authorized by Section 25-3-69 and shall be reimbursed in
262 accordance with Section 25-3-41 for mileage and actual expenses
263 incurred in the performance of their duties. Legislative members



264 of the task force shall be paid from the contingent expense funds
265 of their respective houses in the same manner as provided for
266 committee meetings when the Legislature is not in session.
267 However, no per diem or expense for attending meetings of the task
268 force may be paid to legislative members of the task force while
269 the Legislature is in session. No task force member may incur per
270 diem, travel or other expenses unless previously authorized by
271 vote, at a meeting of the task force, which action shall be
272 recorded in the official minutes of the meeting. Nonlegislative
273 members shall be paid from any funds made available to the task
274 force for that purpose.

275 (5) The task force shall use clerical and legal staff
276 already employed by the Legislature and any other staff assistance
277 made available to it by the Department of Health, the Mississippi
278 Department of Human Services and the Division of Medicaid. To
279 effectuate the purposes of this section, any department, division,
280 board, bureau, commission or agency of the state or of any
281 political subdivision thereof shall, at the request of the
282 chairman of the task force, provide to the task force such
283 facilities, assistance and data as will enable the task force
284 properly to carry out its duties.

285 (6) In order to carry out the functions and responsibilities
286 necessary to study and make recommendations to the Legislature,
287 the Teen Pregnancy Task Force shall:

288 (a) Form task force subgroups based on specific areas
289 of expertise;

290 (b) Review and consider coordinated services and plans
291 and related studies done by or through existing state agencies and
292 advisory, policy or research organizations to reduce teen
293 pregnancy and provide the necessary prenatal and postnatal
294 training to expectant teen parents;

295 (c) Review and consider statewide and regional planning
296 initiatives related to teen pregnancy;



297 (d) Consider efforts of stakeholder groups to comply
298 with federal requirements for coordinated planning and service
299 delivery; and

300 (e) Work through the Department of Health, Mississippi
301 Department of Human Services and the Division of Medicaid to cause
302 any studies, assessments and analyses to be conducted as may be
303 deemed necessary by the task force.

304 (7) This section shall stand repealed on July 1, 2012.

305 **SECTION 3.** The House and Senate Education Chairmen shall
306 appoint three (3) members of their respective committees to form a
307 joint subcommittee to study the following:

308 (a) The effectiveness of Oral/Auditory programs in
309 teaching spoken language to the deaf so that they may compete and
310 succeed with their hearing peers. The joint subcommittee may hear
311 testimony from experts as well as compile data, study and report
312 on the following:

313 (i) Review the funding structure by which the
314 state currently operates in funding deaf education;

315 (ii) Conduct a study of the possibility of success
316 in teaching spoken language before kindergarten if early
317 intervention is properly funded;

318 (iii) Determine all deaf education program
319 requirements relating to facilities, nutrition services and
320 transportation;

321 (iv) Prepare a compilation and review of all deaf
322 education services currently provided in Mississippi;

323 (v) Study any other issues relating to deaf
324 education programs determined to be relevant by the task force;

325 (vi) Tour each deaf education program offered in
326 the state; and

327 (vii) Make appropriate findings and
328 recommendations addressing the matters enumerated in this



329 paragraph, including any legislative action that is considered
330 necessary by the joint subcommittee.

331 (b) In addition, the joint subcommittee may hear
332 testimony from experts as well as compile data, study and report
333 on the following matters: resources and programs that currently
334 support students that have been diagnosed with Autism Spectrum
335 Disorder, the feasibility of implementing Autism Spectrum Disorder
336 classrooms in public school districts throughout the state, and
337 the feasibility of implementing transition services to teenagers
338 and adults that have been diagnosed with Autism Spectrum Disorder.

339 (c) This section shall stand repealed on July 1, 2012.

340 **SECTION 4.** (1) The Mississippi Sesquicentennial of the
341 American Civil War Commission (commission) is hereby established
342 to prepare for and commemorate the Sesquicentennial of
343 Mississippi's participation in the American Civil War (April
344 1861-April 1865).

345 (2) The commission shall have a total membership of fifteen
346 (15) members, or their designee, as follows: (a) the Executive
347 Director of the Mississippi Development Authority; (b) the
348 Executive Director of the Mississippi Department of Archives and
349 History; (c) the State Department of Education, or his designee;
350 (d) the Manager of the Bureau of Film and Culture of the
351 Mississippi Development Authority, Division of Tourism; (e) the
352 President/Chairman of the Mississippi Historical Society; (f) the
353 Chairman of the Mississippi Civil War Battlefield Commission; (g)
354 the Director of the Brice's Crossroads Battlefield Commission; (h)
355 the Director of the Vicksburg National Military Park; (i) the
356 Director of the Battle of Shiloh-Battle of Corinth National
357 Military Park; (j) the Director of the Grand Gulf Military
358 Monument; (k) a representative of the Mississippi Tourism
359 Association; (l) the National Park Service Administrator of Ship
360 Island/Fort Massachusetts; (m) a citizen of Mississippi appointed
361 by the Governor; (n) a member of the Mississippi Senate appointed



362 by the Lieutenant Governor who shall serve in an ex officio
363 nonvoting capacity; and (o) a member of the Mississippi House of
364 Representatives appointed by the Speaker who shall serve in an ex
365 officio nonvoting capacity.

366 (3) Ex officio members and legislative members of the
367 commission shall serve terms coincident with their terms of
368 office. Citizen members shall serve a term of four (4) years.
369 Appointments to fill vacancies other than the expiration of a term
370 shall be for the unexpired terms. Vacancies shall be filled in
371 the same manner as the original appointments and all members may
372 be reappointed.

373 (4) The commission shall elect a chairman and vice chairman
374 from among its membership. The commission may name five (5) of
375 its members to constitute an executive committee, which shall act
376 for the commission pursuant to its direction.

377 (5) The commission may appoint and establish an advisory
378 council composed of citizens at large who have knowledge of
379 American Civil War and Mississippi history and interest in its
380 Sesquicentennial celebration, to assist the commission in its
381 work.

382 (6) A majority of the members of the commission shall
383 constitute a quorum. The meetings of the commission shall be held
384 at the call of the chairman or whenever a majority of the members
385 so request. No recommendation of the commission shall be adopted
386 except by majority vote of the commission.

387 (7) Nonlegislative members of the commission shall receive
388 no compensation for their services but may receive expense
389 reimbursement and mileage for all reasonable and necessary
390 expenses incurred in the performance of their duties as provided
391 by law. Legislative members of the commission shall receive
392 compensation applicable to committee meetings when the Legislature
393 is not in session.



394 (8) The commission shall hire an executive director, and
395 relevant support staff, to guide and support the actions of the
396 commission. Employment shall not extend beyond the date of
397 expiration of the commission and shall be subject to an annual
398 review by the executive committee of the commission.

399 (9) The commission may solicit, accept, use and dispose of
400 public or nonpublic funds, gifts, grants, donations, bequests or
401 other funds or real or personal property for the purpose of aiding
402 or facilitating the work of the commission. The commission may
403 procure services, enter into contracts, leases or other legal
404 agreements as it may deem necessary to carry out its duties as set
405 forth in this act, but no contract or other legal agreement shall
406 be entered into by the commission that extends beyond the date of
407 expiration of the commission.

408 (10) The commission shall have the following powers and
409 duties:

410 (a) Plan, develop and carry out educational,
411 informational, new media/web-based programs and activities
412 appropriate to commemorate the Sesquicentennial of the American
413 Civil War, with emphasis on the military operations which occurred
414 in the State of Mississippi;

415 (b) Encourage interdisciplinary examination of the
416 American Civil War;

417 (c) Facilitate activities related to the American Civil
418 War throughout Mississippi;

419 (d) Encourage civic, historical, educational, economic
420 and other organizations throughout Mississippi to organize and
421 participate in activities to expand the understanding and
422 appreciation of the significance of the American Civil War;

423 (e) Provide technical and financial assistance to
424 localities and nonprofit organizations to further the
425 commemoration of the Sesquicentennial of the American Civil War;



426 (f) Develop programs and facilities to ensure that the
427 Sesquicentennial commemoration of the American Civil War results
428 in a positive legacy and long-term public benefit;

429 (g) Facilitate the development and conduct of programs
430 designed to involve all citizens in activities that commemorate
431 the American Civil War; and

432 (h) Submit to the Legislature and the Governor an
433 annual report for publication of the work and activity of the
434 commission no later than the first day of each regular session of
435 the Legislature.

436 (11) The commission shall direct the Mississippi Department
437 of Archives and History to enhance and expand Civil War markers
438 across the state, along with all relevant educational and
439 informational documentation necessary for the creation of a Civil
440 War Trail, in advance of the initial celebration of the
441 Sesquicentennial in Mississippi.

442 (12) All state agencies and universities shall provide
443 technical assistance to the commission upon request.

444 (13) This section shall stand repealed on July 1, 2015.

445 **SECTION 5.** This act shall take effect and be in force from
446 and after July 1, 2009.

