

By: Harden

To: Education;
Appropriations

SENATE BILL NO. 2488

1 AN ACT TO EMPOWER AND DIRECT THE STATE BOARD OF EDUCATION TO
2 ESTABLISH AND IMPLEMENT AN IMPROVING AND HIGH-PERFORMING SCHOOLS
3 PROGRAM FOR IDENTIFYING AND GRANTING FINANCIAL INCENTIVES TO LOW
4 PERFORMING SCHOOLS THAT IMPROVE AND TO THE HIGHEST PERFORMING
5 SCHOOLS IN THEIR CLASSIFICATION; TO ESTABLISH CRITERIA AND
6 AUTHORIZE SALARY PAYMENTS TO SCHOOL PERSONNEL UNDER THIS PROGRAM
7 SUBJECT TO SPECIFIC APPROPRIATION BY THE LEGISLATURE; TO AMEND
8 SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE
9 BOARD OF EDUCATION TO DEVELOP A SCHOOL IMPROVEMENT PROGRAM AND A
10 PROBATIONARY PERIOD FOR SCHOOLS WITH ACCREDITATION DEFICIENCIES TO
11 BE DESIGNATED AS "SCHOOLS AT RISK," TO PROVIDE FOR AN EVALUATION
12 PROCESS, TO PROVIDE FOR THE IDENTIFICATION AND TRAINING OF
13 INDEPENDENT EVALUATION TEAM MEMBERS, TO PROVIDE SCHOOL EVALUATION
14 PROCEDURES FOR THE EVALUATION TEAMS, TO PROVIDE FOR THE
15 DEVELOPMENT OF SCHOOL IMPROVEMENT PLANS FOR SUCH SCHOOLS AT RISK,
16 TO PROVIDE FOR THE APPOINTMENT OF ASSISTANCE TEAMS BY THE STATE
17 DEPARTMENT OF EDUCATION, TO AUTHORIZE THE SCHOOL AT RISK
18 IMPROVEMENT PROCESS TO INCLUDE MANDATORY PROFESSIONAL DEVELOPMENT
19 FOR INDIVIDUAL PRINCIPALS, TEACHERS AND SUPERINTENDENTS OF SUCH
20 SCHOOLS AND TO PROVIDE EMPLOYMENT SANCTIONS FOR PRINCIPALS OR
21 TEACHERS WHO FAIL TO PARTICIPATE IN SUCH PROFESSIONAL DEVELOPMENT,
22 TO PROVIDE FOR A PERFORMANCE-BASED EVALUATION OF SUCH PRINCIPALS
23 AND TEACHERS WHO HAVE PARTICIPATED IN SUCH PROFESSIONAL
24 DEVELOPMENT, TO PROVIDE FOR RECALL ELECTIONS OR APPOINTMENT
25 DECISIONS FOR SUPERINTENDENTS OR SCHOOL BOARD MEMBERS IN CERTAIN
26 SITUATIONS WHERE SCHOOLS AT RISK DO NOT IMPROVE DEFICIENCIES, AND
27 TO REQUIRE CERTAIN REPORTS BY THE STATE DEPARTMENT OF EDUCATION;
28 TO AMEND SECTION 37-9-25, MISSISSIPPI CODE OF 1972, IN CONFORMITY
29 THERETO; TO AMEND SECTION 37-7-306, MISSISSIPPI CODE OF 1972, TO
30 REQUIRE ALL LOCAL SCHOOL BOARD MEMBERS SELECTED AFTER JULY 1,
31 2000, TO HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT, AND TO
32 REQUIRE SCHOOL BOARD MEMBERS OF SCHOOLS WHICH HAVE LOST THEIR
33 ACCREDITATION TO COMPLETE ANNUAL TRAINING COURSES IN ORDER TO
34 RETAIN THEIR OFFICE; AND FOR RELATED PURPOSES.

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

36 SECTION 1. (1) The State Board of Education shall
37 establish, design and implement a High-Performing Schools Program
38 and an Improving Schools Program for identifying and rewarding
39 public schools that improve. The State Board of Education shall
40 develop rules and regulations for the program, establish criteria,
41 and establish a process through which high-performing and
42 improving schools will be identified and rewarded. Upon full

43 implementation of the statewide testing program, High-Performing
44 or Improving School designation shall be made by the State Board
45 of Education as follows:

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

50 (b) A determination will be made as to the percentage
51 of students proficient in each school. This measurement will
52 define what a student must know in order to be deemed proficient
53 at each grade level and will clearly show how well a student is
54 performing. The definition of proficiency shall be developed for
55 each grade, based on input from teachers and their review of the
56 curriculum requirements.

57 (c) A school has the following two (2) methods for
58 designation as either an Improving or a High-Performing School, to
59 be determined on an annual basis:

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

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

64 Any school which has lost its accreditation and is designated
65 as a School at Risk and exceeds its growth expectation by a
66 percentage as established by the State Board of Education shall no
67 longer be considered a School at Risk and shall be eligible for
68 monetary awards under this section. High-Performing School
69 designation shall not be achieved by a school where the lowest
70 quartile of student achievement scores is not improving.

71 (2) Upon designation, Improving and High-Performing Schools
72 shall be eligible to receive an incentive amount per licensed and
73 nonlicensed school personnel to be determined annually by the
74 State Board of Education. All funds awarded under this subsection
75 shall be subject to specific appropriation therefor by the
76 Legislature.

77 Salary supplements authorized under this subsection for
78 employees of schools receiving Improving or High-Performing
79 designation shall not be considered as bonus payments, and shall

80 be made in lump sum payments during the first pay period of the
81 school year following such designation. All such salary
82 supplements shall be paid directly by the State Department of
83 Education to the local school district for delivery to the
84 designated school, and shall be in addition to the minimum and
85 adequate education program allotments and not a part thereof in
86 accordance with regulations promulgated by the State Board of
87 Education, and subject to specific appropriation therefor by the
88 Legislature.

89 (3) In addition to salary supplements for Improving and
90 High-Performing Schools, the State Board of Education shall award
91 the schools receiving such designation an additional incentive
92 amount to be made to an Improving or High-Performing School to
93 meet needs as determined by a vote of all licensed and
94 instructional personnel employed at the school. This incentive
95 amount will include a base amount per school plus an additional
96 amount based on that school's average daily attendance. These
97 incentive funds may be used for specific school needs, including,
98 but not limited to:

99 (a) Funding for unique staff professional development
100 activities. Staff participating in such activities will report to
101 the school and school district about the benefits and lessons
102 learned from such training;

103 (b) Technology needs;

104 (c) Sabbaticals for outstanding teachers/administrators
105 to pursue additional professional development or educational
106 enrichment.

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

109 (4) In addition, the State Board of Education shall provide
110 special recognition to the schools receiving such designation and
111 their school districts. Examples of such recognition may include,
112 but not be limited to: public announcements and events;

113 certificates of recognition and plaques for teachers, principals,
114 superintendents and parents; and media announcements utilizing the
115 services of Mississippi Educational Television.

116 SECTION 2. Section 37-17-6, Mississippi Code of 1972, is
117 amended as follows:[JU1]

118 37-17-6. (1) The State Board of Education, acting through
119 the Commission on School Accreditation, shall establish and
120 implement a permanent performance-based accreditation system, and
121 all public elementary and secondary schools shall be accredited
122 under this system.

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

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

| 132 Number of Students | | Number of Certified |
|--------------------------|-----|----------------------|
| 133 Per School Library | | School Librarians |
| 134 0 - 499 Students | 1/2 | Full-time Equivalent |
| | | Certified Librarian |
| 136 500 or More Students | 1 | Full-time |
| | | Certified Librarian |

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

140 (c) The assignment of such school librarians to the
141 particular schools shall be at the discretion of the local school
142 district. No individual shall be employed as a certified school
143 librarian without appropriate training and certification as a
144 school librarian by the State Department of Education.

145 (d) School librarians in such district shall spend at

146 least fifty percent (50%) of direct work time in a school library
147 and shall devote no more than one-fourth (1/4) of the workday to
148 administrative activities which are library related.

149 (e) Nothing in this subsection shall prohibit any
150 school district from employing more certified school librarians
151 than are provided for in this section.

152 (f) Any additional millage levied to fund school
153 librarians required for accreditation under this subsection shall
154 be included in the tax increase limitation set forth in Sections
155 37-57-105 and 37-57-107 and shall not be deemed a new program for
156 purposes of the limitation.

157 (4) On or before July 1, 2000, the State Board of Education
158 shall implement the performance-based accreditation system for
159 school districts and for individual schools which shall include
160 the following:

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

163 (b) Strong accountability for results with appropriate
164 local flexibility for local implementation;

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

167 (d) Individual schools shall be held accountable for
168 student growth and performance;

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

172 (f) A determination of which schools exceed their
173 standards and a plan for providing recognition and rewards to such
174 schools;

175 (g) A determination of which schools are failing to
176 meet their standards and a determination of the appropriate role
177 of the State Board of Education and the State Department of
178 Education in providing assistance and initiating possible

179 intervention; and

180 (h) Development of a comprehensive student assessment
181 system to implement these requirements.

182 The State Board of Education may continue to assign school
183 district performance levels by using a number classification and
184 may assign individual school performance levels by using a number
185 classification to be consistent with school district performance
186 levels.

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

190 (6) The State Board of Education shall create an
191 accreditation audit unit under the Commission on School
192 Accreditation to determine whether schools are complying with
193 accreditation standards.

194 (7) The State Board of Education shall be specifically
195 authorized and empowered to withhold adequate minimum education
196 program or adequate education program fund allocations, whichever
197 is applicable, to any public school district for failure to timely
198 report student, school personnel and fiscal data necessary to meet
199 state and/or federal requirements.

200 (8) Deleted.

201 (9) The State Board of Education shall establish, for those
202 school districts failing to meet accreditation standards, a
203 program of development to be complied with in order to receive
204 state funds, except as otherwise provided in subsection (14) of
205 this section when the Governor has declared a state of emergency
206 in a school district or as otherwise provided in Section 206,
207 Mississippi Constitution of 1890. The state board, in
208 establishing these standards, shall provide for notice to schools
209 and sufficient time and aid to enable schools to attempt to meet
210 these standards, unless procedures under subsection (14) of this
211 section have been invoked.

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

215 (a) Develop an impairment report for each district
216 failing to meet accreditation standards in conjunction with school
217 district officials;

218 (b) Notify any applicable school district failing to
219 meet accreditation standards that it is on probation until
220 corrective actions are taken or until the deficiencies have been
221 removed. The local school district shall develop a corrective
222 action plan to improve its deficiencies. For district academic
223 deficiencies, the corrective action plan for each such school
224 district shall be based upon a complete analysis of the following:

225 student test data, student grades, student attendance reports,
226 student drop-out data, existence and other relevant data. The
227 corrective action plan shall describe the specific measures to be
228 taken by the particular school district and school to improve:
229 (a) instruction; (b) curriculum; (c) professional development; (d)
230 personnel and classroom organization; (e) student incentives for
231 performance; (f) process deficiencies; and (g) reporting to the
232 local school board, parents and the community. The corrective
233 action plan shall describe the specific individuals responsible
234 for implementing each component of the recommendation and how each
235 will be evaluated. All corrective action plans shall be provided
236 to the State Board of Education as may be required. The decision
237 of the State Board of Education establishing the probationary
238 period of time shall be final;

239 (c) Offer, during the probationary period, technical
240 assistance to the school district in making corrective actions.
241 Beginning July 1, 1998, subject to the availability of funds, the
242 State Department of Education shall provide technical and/or
243 financial assistance to all such school districts in order to
244 implement each measure identified in that district's corrective

245 action plan through professional development and on-site
246 assistance. Each such school district shall apply for and utilize
247 all available federal funding in order to support its corrective
248 action plan in addition to state funds made available under this
249 paragraph;

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

253 (e) Provide for publication of public notice at least
254 one time during the probationary period, in a newspaper published
255 within the jurisdiction of the school district failing to meet
256 accreditation standards, or if no newspaper is published therein,
257 then in a newspaper having a general circulation therein. The
258 publication shall include the following: declaration of school
259 system's status as being on probation; all details relating to the
260 impairment report; and other information as the State Board of
261 Education deems appropriate. Public notices issued under this
262 section shall be subject to Section 13-3-31 and not contrary to
263 other laws regarding newspaper publication.

264 (11) (a) If the recommendations for corrective action are
265 not taken by the local school district or if the deficiencies are
266 not removed by the end of the probationary period, the Commission
267 on School Accreditation shall conduct a hearing to allow such
268 affected school district to present evidence or other reasons why
269 its accreditation should not be withdrawn. Subsequent to its
270 consideration of the results of such hearing, the Commission on
271 School Accreditation shall be authorized, with the approval of the
272 State Board of Education, to withdraw the accreditation of a
273 public school district, and issue a request to the Governor that a
274 state of emergency be declared in that district.

275 (b) If the State Board of Education and the Commission
276 on School Accreditation determine that an extreme emergency
277 situation exists in a school district which jeopardizes the

278 safety, security or educational interests of the children enrolled
279 in the schools in that district and such emergency situation is
280 believed to be related to a serious violation or violations of
281 accreditation standards or state or federal law, the State Board
282 of Education may request the Governor to declare a state of
283 emergency in that school district. For purposes of this
284 paragraph, such declarations of a state of emergency shall not be
285 limited to those instances when a school district's impairments
286 are related to a lack of financial resources, but also shall
287 include serious failure to meet minimum academic standards, as
288 evidenced by a continued pattern of poor student performance.

289 (c) Whenever the Governor declares a state of emergency
290 in a school district in response to a request made under paragraph
291 (a) or (b) of this subsection, the State Board of Education may
292 take one (1) or more of the following actions:

293 (i) Declare a state of emergency, under which some
294 or all of state funds can be escrowed except as otherwise provided
295 in Section 206, Constitution of 1890, until the board determines
296 corrective actions are being taken or the deficiencies have been
297 removed, or that the needs of students warrant the release of
298 funds. Such funds may be released from escrow for any program
299 which the board determines to have been restored to standard even
300 though the state of emergency may not as yet be terminated for the
301 district as a whole;

302 (ii) Override any decision of the local school
303 board or superintendent of education, or both, concerning the
304 management and operation of the school district, or initiate and
305 make decisions concerning the management and operation of the
306 school district;

307 (iii) Assign an interim conservator who will have
308 those powers and duties prescribed in subsection (14) of this
309 section;

310 (iv) Grant transfers to students who attend this

311 school district so that they may attend other accredited schools
312 or districts in a manner which is not in violation of state or
313 federal law;

314 (v) For states of emergency declared under
315 paragraph (a) only, if the accreditation deficiencies are related
316 to the fact that the school district is too small, with too few
317 resources, to meet the required standards and if another school
318 district is willing to accept those students, abolish that
319 district and assign that territory to another school district or
320 districts. If the school district has proposed a voluntary
321 consolidation with another school district or districts, then if
322 the State Board of Education finds that it is in the best interest
323 of the pupils of the district for such consolidation to proceed,
324 the voluntary consolidation shall have priority over any such
325 assignment of territory by the State Board of Education;

326 (vi) For states of emergency declared under
327 paragraph (b) only, reduce local supplements paid to school
328 district employees, including, but not limited to, instructional
329 personnel, assistant teachers and extracurricular activities
330 personnel, if the district's impairment is related to a lack of
331 financial resources, but only to an extent which will result in
332 the salaries being comparable to districts similarly situated, as
333 determined by the State Board of Education;

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

337 (d) At such time as satisfactory corrective action has
338 been taken in a school district in which a state of emergency has
339 been declared, the State Board of Education may request the
340 Governor to declare that the state of emergency no longer exists
341 in the district.

342 (12) Upon the declaration of a state of emergency in a
343 school district under subsection (11) of this section, the

344 Commission on School Accreditation shall be responsible for public
345 notice at least once a week for at least three (3) consecutive
346 weeks in a newspaper published within the jurisdiction of the
347 school district failing to meet accreditation standards, or if no
348 newspaper is published therein, then in a newspaper having a
349 general circulation therein. The size of such notice shall be no
350 smaller than one-fourth (1/4) of a standard newspaper page and
351 shall be printed in bold print. If a conservator has been
352 appointed for the school district, such notice shall begin as
353 follows: "By authority of Section 37-17-6, Mississippi Code of
354 1972, as amended, adopted by the Mississippi Legislature during
355 the 1991 Regular Session, this school district (name of school
356 district) is hereby placed under the jurisdiction of the State
357 Department of Education acting through its appointed conservator
358 (name of conservator)."

359 The notice also shall include, in the discretion of the State
360 Board of Education, any or all details relating to the school
361 district's emergency status, including the declaration of a state
362 of emergency in the school district and a description of the
363 district's impairment deficiencies, conditions of any
364 conservatorship and corrective actions recommended and being
365 taken. Public notices issued under this section shall be subject
366 to Section 13-3-31 and not contrary to other laws regarding
367 newspaper publication.

368 Upon termination of the state of emergency in a school
369 district, the Commission on School Accreditation shall cause
370 notice to be published in the school district in the same manner
371 provided in this section, to include any or all details relating
372 to the corrective action taken in the school district which
373 resulted in the termination of the state of emergency.

374 (13) The State Board of Education or the Commission on
375 School Accreditation shall have the authority to require school
376 districts to produce the necessary reports, correspondence,

377 financial statements, and any other documents and information
378 necessary to fulfill the requirements of this section.

379 Nothing in this section shall be construed to grant any
380 individual, corporation, board or conservator the authority to
381 levy taxes except in accordance with presently existing statutory
382 provisions.

383 (14) (a) Whenever the Governor declares a state of
384 emergency in a school district in response to a request made under
385 subsection (11) of this section, the State Board of Education, in
386 its discretion, may assign an interim conservator to the school
387 district who will be responsible for the administration,
388 management and operation of the school district, including, but
389 not limited to, the following activities:

390 (i) Approving or disapproving all financial
391 obligations of the district, including, but not limited to, the
392 employment, termination, nonrenewal and reassignment of all
393 certified and noncertified personnel, contractual agreements and
394 purchase orders, and approving or disapproving all claim dockets
395 and the issuance of checks; in approving or disapproving
396 employment contracts of superintendents, assistant superintendents
397 or principals, the interim conservator shall not be required to
398 comply with the time limitations prescribed in Sections 37-9-15
399 and 37-9-105;

400 (ii) Supervising the day-to-day activities of the
401 district's staff, including reassigning the duties and
402 responsibilities of personnel in a manner which, in the
403 determination of the conservator, will best suit the needs of the
404 district;

405 (iii) Reviewing the district's total financial
406 obligations and operations and making recommendations to the
407 district for cost savings, including, but not limited to,
408 reassigning the duties and responsibilities of staff;

409 (iv) Attending all meetings of the district's

410 school board and administrative staff;

411 (v) Approving or disapproving all athletic, band
412 and other extracurricular activities and any matters related to
413 those activities;

414 (vi) Maintaining a detailed account of
415 recommendations made to the district and actions taken in response
416 to those recommendations;

417 (vii) Reporting periodically to the State Board of
418 Education on the progress or lack of progress being made in the
419 district to improve the district's impairments during the state of
420 emergency; and

421 (viii) Appointing a parent advisory committee,
422 comprised of parents of students in the school district, which may
423 make recommendations to the conservator concerning the
424 administration, management and operation of the school district.

425 Except when, in the determination of the State Board of
426 Education, the school district's impairment is related to a lack
427 of financial resources, the cost of the salary of the conservator
428 and any other actual and necessary costs related to the
429 conservatorship paid by the State Department of Education shall be
430 reimbursed by the local school district from nonminimum program
431 funds. The department shall submit an itemized statement to the
432 superintendent of the local school district for reimbursement
433 purposes, and any unpaid balance may be withheld from the
434 district's minimum or adequate education program funds.

435 At such time as the Governor, pursuant to the request of the
436 State Board of Education, declares that the state of emergency no
437 longer exists in a school district, the powers and
438 responsibilities of the interim conservator assigned to such
439 district shall cease.

440 (b) In order to provide loans to school districts under
441 a state of emergency which have impairments related to a lack of
442 financial resources, the School District Emergency Assistance Fund

443 is created as a special fund in the State Treasury into which
444 monies may be transferred or appropriated by the Legislature from
445 any available public education funds. The maximum amount that may
446 be appropriated or transferred to the School District Emergency
447 Assistance Fund for any one (1) emergency shall be Two Million
448 Dollars (\$2,000,000.00), and the maximum amount that may be
449 appropriated during any fiscal year shall be Three Million Dollars
450 (\$3,000,000.00).

451 The State Board of Education may loan monies from the School
452 District Emergency Assistance Fund to a school district that is
453 under a state of emergency in such amounts, as determined by the
454 board, which are necessary to correct the district's impairments
455 related to a lack of financial resources. The loans shall be
456 evidenced by an agreement between the school district and the
457 State Board of Education and shall be repayable in principal,
458 without necessity of interest, to the State General Fund or the
459 Education Enhancement Fund, depending on the source of funding for
460 such loan, by the school district from any allowable funds that
461 are available. The total amount loaned to the district shall be
462 due and payable within five (5) years after the impairments
463 related to a lack of financial resources are corrected. If a
464 school district fails to make payments on the loan in accordance
465 with the terms of the agreement between the district and the State
466 Board of Education, the State Department of Education, in
467 accordance with rules and regulations established by the State
468 Board of Education, may withhold that district's minimum program
469 funds in an amount and manner that will effectuate repayment
470 consistent with the terms of the agreement; such funds withheld by
471 the department shall be deposited into the State General Fund or
472 the Education Enhancement Fund, as the case may be.

473 If the State Board of Education determines that an extreme
474 emergency exists, simultaneous with the powers exercised in this
475 subsection, it shall take immediate action against all parties

476 responsible for the affected school districts having been
477 determined to be in an extreme emergency. Such action shall
478 include, but not be limited to, initiating civil actions to
479 recover funds and criminal actions to account for criminal
480 activity. Any funds recovered by the State Auditor or the State
481 Board of Education from the surety bonds of school officials or
482 from any civil action brought under this subsection shall be
483 applied toward the repayment of any loan made to a school district
484 hereunder.

485 (15) In the event a majority of the membership of the school
486 board of any school district resigns from office, the State Board
487 of Education shall be authorized to assign an interim conservator,
488 who shall be responsible for the administration, management and
489 operation of the school district until such time as new board
490 members are selected or the Governor declares a state of emergency
491 in that school district under subsection (11), whichever occurs
492 first. In such case, the State Board of Education, acting through
493 the interim conservator, shall have all powers which were held by
494 the previously existing school board, and may take such action as
495 prescribed in Section 37-17-13 and/or one or more of the actions
496 authorized in this section.

497 (16) Beginning with the school district audits conducted for
498 the 1997-1998 fiscal year, the State Board of Education, acting
499 through the Commission on School Accreditation, shall require each
500 school district to comply with standards established by the State
501 Department of Audit for the verification of fixed assets and the
502 auditing of fixed assets records as a minimum requirement for
503 accreditation.

504 (17) Upon full implementation of the statewide testing
505 programs, the State Board of Education shall establish for those
506 individual schools failing to meet accreditation standards, a
507 program of development to be complied with in order to receive
508 state funds, as follows:

509 (a) Following a thorough analysis of school data each
510 year, the State Department of Education shall identify those
511 schools that are the most deficient in educating students and are
512 in need of improvement. This analysis shall measure the
513 individual school performance by determining if a school met its
514 assigned yearly growth expectation and by determining what
515 percentage of the students in the school are proficient. A school
516 shall be identified as needing assistance and labeled a School at
517 Risk, if the school: (i) does not meet its growth expectation;
518 and (ii) has a percentage of students functioning below grade
519 level, as designated by the State Board of Education.

520 (b) Once a School at Risk has been identified and
521 written notice sent by the State Board of Education by certified
522 mail to both the school principal and the local board of
523 education, the State Board of Education and the State Department
524 of Education shall assign an evaluation team to the school. The
525 evaluation team shall consist of a minimum of four (4) trained
526 members appointed by the department and approved by the State
527 Board of Education from the following categories: (i) school
528 superintendents; (ii) school principals; (iii) curriculum
529 coordinators; (iv) teachers; and (v) local school board members.
530 Optional evaluation team members in specialized areas may be
531 utilized by the State Department of Education if needed. These
532 additional members may include individuals with expertise and
533 knowledge in such areas as vocational-technical education, special
534 education, federal programs and school technology. Evaluation
535 team members shall be independent of the school being evaluated
536 and shall not be employees of the State Department of Education.
537 The team may include retired educators who have met certain
538 standards and have completed all necessary training. All
539 evaluation team members shall be trained, at a minimum, in the
540 following: (i) school accreditation legal requirements; (ii) data
541 analysis; (iii) curriculum alignment; (iv) effective curriculum

542 and instructional strategies; (v) the State Department of
543 Education school improvement plan process; (vi) personnel
544 appraisal; (vii) effective community involvement; (viii) public
545 relations; (ix) safe and orderly school climate; (x) policy
546 development and implementation; and (xi) effective school resource
547 allocation. A team leader shall be chosen by the department for
548 each evaluation team to provide overall guidance to the team. The
549 State Department shall assist each evaluation team by providing
550 administrative and clerical support.

551 (c) An approved evaluation team shall have the
552 following authority and responsibility:

553 (i) The evaluation team shall have the authority
554 to request any and all financial documentation that it deems
555 necessary, and the School at Risk, with the assistance and
556 cooperation of the school district central office, shall submit
557 such requested financial information to the evaluation team.

558 (ii) The evaluation team shall analyze the School
559 at Risk's data to determine probable areas of weakness before
560 conducting an on-site audit. The evaluation team shall proceed to
561 conduct an on-site audit and shall prepare an evaluation report.
562 If necessary, the evaluation team shall request additional
563 individuals in specialty areas to participate as a team member in
564 preparing the evaluation. After completing the evaluation of the
565 School at Risk, the team shall prepare and adopt its school
566 evaluation report which shall be submitted to the State
567 Superintendent of Education for review and approval. The school
568 evaluation report shall identify any personnel who were found by
569 the evaluation team to be in need of participation in a
570 professional development plan.

571 (d) Following the approval of the evaluation report by
572 the State Superintendent of Education, a representative from the
573 State Department of Education and the evaluation team leader shall
574 present the evaluation report to the principal of the School at

575 Risk, and to the superintendent and school board members of the
576 local school district. Following this presentation, the
577 evaluation report shall be presented to the community served by
578 the School at Risk at an advertised public meeting.

579 (e) Based on the findings of the evaluation report and
580 the results of the public meeting, the State Department of
581 Education and the evaluation team leader shall assist the school
582 principal and other local school officials in the development of a
583 school improvement plan to improve its deficiencies. A local
584 parent advisory committee shall be established by the evaluation
585 team at the school in order to provide input and guidance into the
586 development of the school improvement plan and its evaluation
587 during the implementation period. Local parent teacher
588 associations or organizations shall have input in the selection of
589 the parent advisory committees. Where no active local parent
590 teacher group exists, the State Department of Education may
591 request assistance from the Mississippi Parent Teacher Association
592 in the selection of the local parent advisory committee.

593 (f) The school improvement plan shall be approved by
594 the principal of the School at Risk, the superintendent of the
595 local school district, the local school board and a majority of
596 the teachers of the school, within a time period to be determined
597 by the evaluation team.

598 (g) The State Department of Education shall provide
599 technical assistance to the School at Risk in the implementation
600 of the school improvement plan including the implementation of any
601 recommended professional development plan, or may contract with
602 the institutions of higher learning or other appropriate private
603 entities to provide such technical assistance. This assistance
604 team shall collaborate with school and school district employees
605 in the implementation and monitoring of the school improvement
606 plan, and report as appropriate to the local school board, the
607 local community.

608 (h) As part of the school improvement plan for a School
609 at Risk, a professional development plan shall be prepared for
610 those school administrators, teachers or other employees who are
611 identified by the evaluation team as needing improvement as
612 follows:

613 (i) If a principal is deemed to be in need of
614 improvement by the evaluation team, a professional development
615 plan shall be developed for the principal regardless of his
616 period of employment at the school. The principal's full
617 participation in the professional development plan shall be
618 required. The plan shall provide professional training in the
619 roles and behaviors of an instructional leader and shall offer
620 training specifically identified for that principal's needs. The
621 principal of a School at Risk may also be assigned a mentor who
622 has demonstrated expertise as a high-performing principal.
623 Mentors shall make a personal time commitment to this process and
624 may not be evaluators of the principals being mentored. The local
625 school board and superintendent shall continue to evaluate all
626 school personnel during this period, evaluate their professional
627 development plans and make personnel decisions as appropriate.

628 At the end of the second year, if a school continues to be a
629 School at Risk, the local school board shall initiate one of the
630 following three options:

631 1. Impose a cap on the principal's salary,
632 make any necessary adjustments in his professional development
633 plan, and continue a third year of professional development and
634 mentoring; or

635 2. Nonrenew the principal's contract for the
636 next school year; or

637 3. Dismiss the principal consistent with the
638 provisions of Section 37-9-59.

639 If extenuating circumstances exist, such as the assignment of a
640 principal at a School at Risk for less than two (2) years, other

641 options may be considered subject to approval by the State Board
642 of Education.

643 At the end of the third year, if a school continues to be a
644 School at Risk, the local school board shall initiate one of the
645 following four options:

646 1. Transfer the principal to another school,
647 but not to another School at Risk; or

648 2. Reassign the principal to other duties
649 than that of principal with the appropriate salary reduction; or

650 3. Nonrenew the principal's contract for the
651 next school year; or

652 4. Dismiss the principal, consistent with the
653 provisions of Section 37-9-59.

654 If extenuating circumstances exist, such as the assignment of a
655 principal at a School at Risk for less than three (3) years, other
656 options may be considered subject to approval by the State Board
657 of Education.

658 At the end of the fourth year, if a school continues to be a
659 School at Risk and a principal has been at that school for more
660 than three (3) years, the local school board shall dismiss the
661 principal in a manner consistent with the provisions of Section
662 37-9-59; and the State Board of Education may initiate the school
663 district conservatorship process as authorized under Section
664 37-17-6.

665 (ii) If a teacher is deemed to be in need of
666 professional development by the independent evaluation team, that
667 teacher shall be required to participate in a professional
668 development plan. This plan will provide professional training
669 and will be based on each teacher's specific needs and teaching
670 assignments. The teacher's full participation in the professional
671 development plan shall be required. This process shall be
672 followed by a performance-based evaluation, which shall monitor
673 the teacher's teaching skills and teaching behavior over a period

674 of time. This monitoring shall include announced and unannounced
675 reviews. This procedure may be similar to the process used by the
676 National Professional Teaching Standards Board's process, which
677 includes such activities as videotaping teachers and providing
678 videotapes to the evaluators. Additionally, the teacher may also
679 be assigned a mentor who has demonstrated expertise as a
680 high-performing teacher.

681 If, after one year, the teacher fails to perform, the local
682 school board shall re-evaluate the teacher's professional
683 development plan, make any necessary adjustments to it, and
684 require his participation in the plan for a second year.

685 If, after the second year, the teacher fails to perform, his
686 performance and professional development plan shall be
687 re-evaluated; and the local school board shall take one of the
688 following three actions:

689 1. Impose a cap on the teacher's salary, make
690 any necessary adjustments in the teacher's professional
691 development plan, and develop a professional development plan for
692 the third year; or

693 2. Nonrenew the teacher's contract for the
694 next school year; or

695 3. Dismiss the teacher, consistent with the
696 provisions of Section 37-9-59.

697 If, after the third year, the teacher fails to perform, his
698 performance and professional development plan shall again be
699 re-evaluated; and the local school board shall take one of the
700 following actions:

701 1. Reassign the teacher to a nonteaching
702 position with appropriate salary reduction; or

703 2. Nonrenew the teacher's contract for the
704 next school year; or

705 3. Dismiss the teacher, consistent with the
706 provisions of Section 37-9-59.

707 If, after the fourth year, a teacher does not meet
708 performance expectations, the local school board shall dismiss the
709 teacher in a manner consistent with the provisions of Section
710 37-9-59.

711 (iii) If the evaluation report reveals a school
712 district central office problem, a superintendent of the school
713 district having a School at Risk may be required to participate in
714 a professional development plan. Additionally, the superintendent
715 may be assigned a mentor who is a high-performing superintendent
716 and has demonstrated expertise and knowledge of high-performing
717 schools. The local school board will continue to evaluate the
718 performance of the superintendent and his participation in a
719 professional development plan, making appropriate revisions to the
720 plan as needed.

721 If a school continues to be a School at Risk after a second
722 year or a third year, the local school board may 1. Impose a cap
723 on the superintendent's salary, or 2. make any necessary
724 adjustments to his professional development plan, and require his
725 continued participation in a plan.

726 In the event a school continues to be designated a School at
727 Risk after four (4) years of implementing a school improvement
728 plan, or in the event that more than fifty percent (50%) of the
729 schools within the school district are designated as schools at
730 risk in any one (1) year, the State Board of Education shall issue
731 a written request with documentation to the Governor that the
732 office of the superintendent of such school district shall be
733 subject to recall. Whenever the Governor declares that the office
734 of superintendent of such school district shall be subject to
735 recall, the local school board or the county election commission,
736 as the case may be, shall take the following action:

737 1. If the office of superintendent is an
738 elected office, the name shall be submitted by the county election
739 commission at the next general election to the voters eligible to

740 vote within the county. The ballot shall read substantially as
741 follows:

742 "Shall County Superintendent of Education _____
743 (Here the name of the superintendent shall be inserted) of the
744 _____ (here the title of the school district shall
745 be inserted) be retained in office? Yes _____ No _____"

746 If a majority of those voting on the question vote against
747 retaining him in office, a vacancy shall exist which shall be
748 filled as provided by law; otherwise, the superintendent shall
749 remain in office for the term of such office, and at the
750 expiration of such term shall be eligible for qualification and
751 election to another term or terms.

752 2. If the office of superintendent is an
753 appointive office, the name of the superintendent shall be
754 submitted by the president of the local school board at the next
755 regular meeting of the school board for retention in office or
756 dismissal from office. If a majority of the school board voting
757 on the question vote against retaining him in office, a vacancy
758 shall exist which shall be filled as provided by law, otherwise
759 the superintendent shall remain in office for the duration of his
760 employment contract.

761 (i) In the event a school continues to be designated a
762 School at Risk after four (4) years of implementing a school
763 improvement plan, or in the event that more than fifty percent
764 (50%) of the schools within the school district are designated as
765 schools at risk in any one (1) year, the State Board of Education
766 shall issue a written request with documentation to the Governor
767 that the membership of the school board of such school district
768 shall be subject to recall. Whenever the Governor declares that
769 the membership of the school board shall be subject to recall, the
770 county election commission or the local governing authorities, as
771 the case may be, shall take the following action:

772 1. If the members of the local school board

773 are elected to office, the official name of the school board shall
774 be submitted by the county election commission at the next general
775 election to the voters eligible to vote within the county or
776 school district, as the case may be. The ballot shall read
777 substantially as follows:

778 "Shall the members of the school board of the
779 _____ School District (Here the title of school
780 district shall be inserted) be retained in office? Yes _____
781 No _____"

782 If a majority of those voting on the question vote against
783 retaining the members of the school board in office, a vacancy in
784 each board member's office shall exist which shall be filled as
785 provided by law; otherwise, the school board members shall remain
786 in office for the term of each respective member, and at the
787 expiration of each term of office the member shall be eligible for
788 qualification and election to another term or terms of office.

789 2. If the local school board is an appointed
790 school board, the name of all school board members shall be
791 submitted as a collective board by the president of the municipal
792 or county governing authority, as the case may be, at the next
793 regular meeting of the governing authority for retention in office
794 or dismissal from office. If a majority of the governing
795 authority voting on the question vote against retaining the board
796 in office, a vacancy shall exist in each school board member's
797 office, which shall be filled as provided by law, otherwise the
798 members of the appointed school board shall remain in office for
799 the duration of their term of appointment, and may be reappointed.

800 (j) In the event a school continues to be designated a
801 School at Risk after four (4) years of implementing a school
802 improvement plan, or in the event that more than fifty percent
803 (50%) of the schools within the school district are designated as
804 schools at risk in any one (1) year, the State Board of Education
805 may request that the Governor declare a state of emergency in that

806 school district. Upon the declaration of the state of emergency
807 by the Governor, the State Board of Education may take all such
808 action for dealing with school districts as is authorized under
809 subsections (11) or (14) of this section, including the
810 appointment of an interim conservator.

811 (k) The State Department of Education shall make a
812 semiannual report to the State Board of Education identifying the
813 number and names of schools classified as a School at Risk, which
814 shall include a description of the deficiencies identified and the
815 actions recommended and implemented. The department shall also
816 notify the State Board of Education of any School at Risk which
817 has successfully completed their improvement plans and shall
818 notify the Governor and the Legislature of such school's progress.

819 SECTION 3. Section 37-9-25, Mississippi Code of 1972, is
820 amended as follows:[RDD2]

821 37-9-25. The school board shall have the power and
822 authority, in its discretion, to employ the superintendent, unless
823 such superintendent is elected, for not exceeding four (4)
824 scholastic years and the principals or licensed employees for not
825 exceeding three (3) scholastic years. In such case, contracts
826 shall be entered into with such superintendents, principals and
827 licensed employees for the number of years for which they have
828 been employed. All such contracts with licensed employees shall
829 for the years after the first year thereof be subject to the
830 contingency that the licensed employee may be released if, during
831 the life of the contract, the average daily attendance should
832 decrease from that existing during the previous year and thus
833 necessitate a reduction in the number of licensed employees during
834 any year after the first year of the contract. However, in all
835 such cases the licensed employee must be released before July 1 or
836 at least thirty (30) days prior to the beginning of the school
837 term, whichever date should occur earlier. All such contracts
838 with superintendents, principals or licensed teachers shall for

839 the years after the first year thereof be subject to the
840 contingency that the superintendent, principal or teacher may be
841 released if, during the life of the contract, the school becomes
842 designated as a School at Risk pursuant to the provisions of
843 Section 37-17-6(17), Mississippi Code of 1972, and the school or
844 school district's deficiencies are not improved as required in
845 said provision. The salary to be paid for the years after the
846 first year of such contract shall be subject to revision, either
847 upward or downward, in the event of an increase or decrease in the
848 funds available for the payment thereof, but, unless such salary
849 is revised prior to the beginning of a school year, it shall
850 remain for such school year at the amount fixed in such contract.

851 However, where school district funds, other than minimum
852 education program funds, are available during the school year in
853 excess of the amount anticipated at the beginning of the school
854 year the salary to be paid for such year may be increased to the
855 extent that such additional funds are available and nothing herein
856 shall be construed to prohibit same.

857 SECTION 4. Section 37-7-306, Mississippi Code of 1972, is
858 amended as follows:[JU3]

859 37-7-306. (1) Every school board member selected after July
860 1, 2000, shall have a high school diploma or its equivalent.

861 (2) Every school board member selected after July 1, 1993,
862 shall be required to complete a basic course of training and
863 education for local school board members, in order for board
864 members to carry out their duties more effectively and be exposed
865 to new ideas involving school restructuring. Such basic course of
866 training, approved by the State Board of Education, shall be
867 conducted by the School Executive Management Institute of the
868 State Department of Education. Upon completion of the basic
869 course of training, the School Executive Management Institute
870 shall file a certificate of completion for the school board member
871 with the office of the local school board. In the event that a

872 board member fails to complete such training within six (6) months
873 of his selection, or six (6) months from April 15, 1993, such
874 board member shall no longer be qualified to serve and shall be
875 removed from office.

876 (3) In addition to meeting the requirements of subsection
877 (2) of this section, after taking office, each school board member
878 shall be required to file annually in the office of the school
879 board a certificate of completion of a course of continuing
880 education conducted by the Mississippi School Boards Association.

881 (4) Upon the failure of any local school board member to
882 file with the school board the certificate of completion of the
883 basic course of training as provided in subsection (2) of this
884 section, the school board member shall be removed from office.

885 (5) Upon the failure of any local school board member of a
886 school district with a school failing to meet minimum
887 accreditation standards to file with the school board the
888 certificate of completion of the continuing education course of
889 training provided in subsection (3) of this section, the school
890 board member shall be removed from office.

891 SECTION 5. The Attorney General of the State of Mississippi
892 shall submit Sections 2 and 4 of this act, immediately upon
893 approval by the Governor, or upon approval by the Legislature
894 subsequent to a veto, to the Attorney General of the United States
895 or to the United States District Court for the District of
896 Columbia in accordance with the provisions of the Voting Rights
897 Act of 1965, as amended and extended.

898 SECTION 6. This act shall take effect and be in force from
899 and after July 1, 2000; provided that Sections 2 and 4 shall take
900 effect and be in force from and after the date it is effectuated
901 under Section 5 of the Voting Rights Act of 1965, as amended and
902 extended.