

By: Harden, Farris, Chaney

To: Education;  
AppropriationsSENATE BILL NO. 2488  
(As Passed the Senate)

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.