

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2488: Incentive grants for improving schools and accountability plan for low-performing schools; provide.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

**AMEND by striking lines 36 through 903 and substituting in lieu thereof the following:**

SECTION 1. (1) The State Board of Education shall establish, design and implement a Superior-Performing Schools Program and an Exemplary Schools Program for identifying and rewarding public schools that improve. The State Board of Education shall develop rules and regulations for the program, establish criteria, and establish a process through which Superior-Performing and Exemplary Schools will be identified and rewarded. Upon full implementation of the statewide testing program, Superior-Performing, Exemplary or Priority School designation shall be made by the State Board of Education in accordance with the following:

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

(b) A determination will be made as to the percentage of students proficient in each school. This measurement will define what a student must know in order to be deemed proficient at each grade level and will clearly show how well a student is performing. The definition of proficiency shall be developed for each grade, based on a demonstrated range of performance in

relation to content as reflected in the Mississippi Curriculum Frameworks. This range of performance must be established through a formal procedure including educators, parents, community leaders and other stakeholders.

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

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

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

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

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

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

(b) Technology needs;

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

(d) Paid professional leave;

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

(i) Curriculum;

(ii) Chapter 1;

(iii) Special need students;

(iv) Student rights and responsibility;

(v) School and community relations;

(vi) Effective parenting.

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

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

SECTION 2. (1) Upon full implementation of the statewide testing programs developed by the State Board of Education pursuant to Chapter 16, Title 37, Mississippi Code of 1972, not later than December 31, 2002, the board shall establish for those individual schools failing to meet accreditation standards established under this chapter, a program of development to be complied with in order to receive state funds.

(2) Following a thorough analysis of school data each year, the State Department of Education shall identify those schools that are deficient in educating students and are in need of improvement. This analysis shall measure the individual school performance by determining if a school met its assigned yearly growth expectation and by determining what percentage of the students in the school are proficient. A school shall be identified as needing assistance or a Priority School if the school: (a) does not meet its growth expectation; and (b) has a percentage of students functioning below grade level, as designated by the State Board of Education.

(3) Within fifteen (15) days after a Priority School has been identified, written notice shall be sent by the State Board of Education by certified mail to both the school principal and the local board of education. Within fifteen (15) days after notification the State Board of Education shall assign an

evaluation team to the school. The evaluation team shall consist of a minimum of seven (7) trained members appointed by the State Superintendent of Education and approved by the State Board of Education from the following categories: (a) school superintendents; (b) school principals; (c) curriculum coordinators; (d) at least two (2) teachers; (e) local school board members; (f) community leaders; (g) parents; and (h) institutions of higher learning personnel. Optional evaluation team members in specialized areas may be utilized by the State Department of Education if needed. These additional members may include individuals with expertise and knowledge in such areas as vocational-technical education, special education, federal programs and school technology. Evaluation team members shall be independent of the school being evaluated and shall not be employees of the State Department of Education. The team may include retired educators who have met certain standards and have completed all necessary training. All evaluation team members shall be trained, at a minimum, in the following: (a) school accreditation legal requirements; (b) data analysis; (c) curriculum alignment; (d) effective curriculum and instructional strategies; (e) the State Department of Education school improvement plan process; (f) personnel appraisal; (g) effective community involvement; (h) public relations; (i) safe and orderly school climate; (j) policy development and implementation; (k) effective school resource allocation; and (l) effective school management. A team leader shall be chosen by the department for each evaluation team to provide overall guidance to the team. The State Department of Education shall assist each evaluation team by providing administrative and clerical support.

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

(a) The evaluation team may request any financial documentation that it deems necessary, and the Priority School, with the assistance and cooperation of the school district central office, shall submit such requested financial information to the evaluation team.

(b) The evaluation team shall analyze the Priority Schools' data to determine probable areas of weakness before conducting an on-site audit. The evaluation team shall proceed to conduct an on-site audit and shall prepare an evaluation report. If necessary, the evaluation team may request additional individuals in specialty areas to participate as team members in preparing the evaluation. After completing the evaluation of the Priority School, the team shall prepare and adopt its school evaluation report, which shall be submitted to the State Superintendent of Public Education for approval within forty-five (45) calendar days. The school evaluation report shall identify any personnel who were found by the evaluation team to be in need of improvement and need to participate in a professional development plan. Evaluation instruments used to evaluate teachers, principals, superintendents or any other certified or classified personnel will be instruments which have been validated for such purposes.

(5) Following the approval of the evaluation report by the State Superintendent of Public Education, a representative from the State Superintendent of Education and the evaluation team leader shall present the evaluation report to the principal of the Priority School and to the superintendent and school board members of the local school district. Following this presentation, the evaluation report shall be presented to the community served by the Priority School at an advertised public meeting.

SECTION 3. (1) Based on the findings of the evaluation report and the results of the public meeting, the State Department of Education and the evaluation team leader shall assist the school principal and other local school officials in the development of a school improvement plan to improve its deficiencies. A local parents/citizens advisory council shall be established by the evaluation team at the school in order to provide input and guidance into the development of the school improvement plan and its evaluation during the implementation period. Local parent-teacher associations and other community-based organizations shall have input in the selection of

the parents/citizens advisory council. Where no active local parent-teacher group exists, the State Department of Education may request assistance from the Mississippi Parent-Teacher Association and other community-based organizations in the selection of the local parents/citizens advisory council. The local parents/citizens advisory council shall consist of representatives from each of the following local groups: (a) five (5) representatives of the local PTA, PTSA or other parent organization, (b) two (2) local elected officials or community activist, (c) two (2) students, (d) two (2) local business leaders. Persons who are employed by the local school district are not eligible for membership on the parents/citizens advisory council.

(2) The school improvement plan shall be developed and approved by the principal of the Priority School, the superintendent of the local school district, the local school board and a majority of the teachers of the school, within a time period to be determined by the evaluation team. If the plan is not approved, the State Board of Education may approve and implement the plan in the school.

(3) The State Department of Education shall provide technical assistance and shall assist in identifying funding to the Priority School in the implementation of the school improvement plan, including the implementation of any recommended professional development plan, and the department may contract with the institutions of higher learning to provide such technical assistance. The assistance team shall collaborate with school and school district employees in the implementation and monitoring of the school improvement plan and the State Department of Education shall ensure that a report is issued monthly to the local school board and the local parents/citizens advisory council.

SECTION 4. (1) As part of the school improvement plan for a Priority School, a professional development plan shall be prepared for those school administrators, teachers or other employees who are identified by the evaluation team as needing improvement. The State Department of Education shall assist the Priority School in

identifying funds necessary to fully implement the school improvement plan.

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

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

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

of time. This monitoring shall include announced and unannounced reviews. Additionally, the teacher also may be assigned a mentor who has demonstrated expertise as a high-performing teacher.

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

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

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

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

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

or

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

(c) If a school continues to be designated a Priority School after three (3) years of implementing a school improvement plan the State Board of Education shall, or if more than fifty percent (50%) of the schools within the school district are designated as Priority Schools in any one (1) year the State Board of Education may, issue a written request with documentation to



the Governor asking that the office of the superintendent of such school district be subject to recall. Whenever the Governor declares that the office of the superintendent of such school district is subject to recall, the local school board or the county election commission, as the case may be, shall take the following action:

(i) If the office of superintendent is an elected office, in those years in which there is no general election, the name shall be submitted by the State Board of Education to the county election commission at least sixty (60) days before the next regular special election, and the county election commission shall submit the question at the next regular special election to the voters eligible to vote for the office of superintendent within the county. The ballot shall read substantially as follows:

"Shall County Superintendent of Education \_\_\_\_\_  
(here the name of the superintendent shall be inserted) of the  
\_\_\_\_\_ (here the title of the school district shall be  
inserted) be retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

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

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

(5) In the event a school continues to be designated a Priority School after three (3) years of implementing a school

improvement plan the State Board of Education shall, or in the event that more than fifty percent (50%) of the schools within the school district are designated as Priority Schools in any one (1) year the State Board of Education may, issue a written request with documentation to the Governor that the membership of the school board of such school district shall be subject to recall. Whenever the Governor declares that the membership of the school board shall be subject to recall, the county election commission or the local governing authorities, as the case may be, shall take the following action:

(a) If the members of the local school board are elected to office, in those years in which the specific member's office is not up for election, the name of the school board member shall be submitted by the State Board of Education to the county election commission at least sixty (60) days before the next regular special election, and the county election commission at the next regular special election shall submit the question to the voters eligible to vote for the particular member's office within the county or school district, as the case may be. The ballot shall read substantially as follows:

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

If a majority of those voting on the question vote against retaining the member of the school board in office, a vacancy in that board member's office shall exist which shall be filled in the manner provided by law; otherwise, the school board member shall remain in office for the term of such office, and at the expiration of the term of office, the member shall be eligible for qualification and election to another term or terms of office. However, if a majority of the school board members are recalled in the regular special election, the Governor shall authorize the

board of supervisors of the county in which the school district is situated to appoint members to fill the offices of the members recalled. The board of supervisors shall make such appointments in the manner provided by law for filling vacancies on the school board, and the appointed members shall serve until the office is filled at the next regular special election or general election.

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

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

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

(7) The State Department of Education shall make a semiannual report to the State Board of Education identifying the number and names of schools classified as a Priority Schools,

which shall include a description of the deficiencies identified and the actions recommended and implemented. The department shall also notify the State Board of Education of any Priority School which has successfully completed their improvement plans and shall notify the Governor and the Legislature of such school's progress.

(8) The State Board of Education shall direct and provide comprehensive staff development training for school administrators and teachers on the new requirements of this act. Any new assessment instruments to be used in conjunction with any evaluation required by this act shall be made available for review by teachers, administrator and other staff. Prior to evaluation of individual teachers, administrators and other staff pre-evaluation interviews will be conducted. Likewise, after any evaluation is complete, post-evaluation interviews will be conducted. During such post-interviews, evaluators shall identify and discuss the following: teaching techniques used, teaching strengths and weaknesses and an overall assessment of performance.

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

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

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

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

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

(e) An assessment of what further actions need to be undertaken to address these problems, if such problems have not

been entirely alleviated; and

(f) An assessment of the impact which Senate Bill No. 2156, 1999 Regular Session, and Senate Bill No. 2488, 2000 Regular Session are having on the educational goals which these statutes sought to address.

SECTION 5. Section 37-7-306, Mississippi Code of 1972, is amended as follows:

37-7-306. (1) Every school board member selected after July 1, 2002, shall have a high school diploma or its equivalent.

(2) Every school board member selected after July 1, 1993, shall be required to complete a basic course of training and education for local school board members, in order for board members to carry out their duties more effectively and be exposed to new ideas involving school restructuring. Such basic course of training, approved by the State Board of Education, shall be conducted by the School Executive Management Institute of the State Department of Education. Upon completion of the basic course of training, the School Executive Management Institute shall file a certificate of completion for the school board member with the office of the local school board. In the event that a board member fails to complete such training within six (6) months of his selection, or six (6) months from April 15, 1993, such board member shall no longer be qualified to serve and shall be removed from office.

(3) In addition to meeting the requirements of subsection (2) of this section, after taking office, each school board member shall be required to file annually in the office of the school board a certificate of completion of a course of continuing education conducted by the Mississippi School Boards Association, the community/junior colleges, the state institutions of higher learning or other organizations approved by the State Board of Education.

(4) Every school board member selected after July 1, 2002, shall spend at least one (1) full day in a school in the district they represent, without compensation.

(5) Upon the failure of any local school board member to

file with the school board the certificate of completion of the basic or continuing course of training as provided in subsection (2) or (3) of this section, the school board member shall be removed from office by the Attorney General. In the event of a medical or other catastrophic hardship that prevents such school board member from obtaining the required training or filing such certificate, as may be defined by the State Board of Education by rule and regulation, an additional period of three (3) months may be allowed to satisfy the requirements of subsection (2) or (3).

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

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

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

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

Number of Students Per School Library		Number of Certified School Librarians
0 - 499 Students	½	Full-time Equivalent Certified Librarian
500 or More Students	1	Full-time Certified Librarian

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

(c) The assignment of such school librarians to the particular schools shall be at the discretion of the local school district. No individual shall be employed as a certified school

librarian without appropriate training and certification as a school librarian by the State Department of Education.

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

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

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

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

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

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

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

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

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

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

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

intervention; and

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

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

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

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

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

(8) Deleted.

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

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



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

(b) Notify any applicable school district failing to meet accreditation standards that it is on probation until corrective actions are taken or until the deficiencies have been removed. The local school district shall develop a corrective action plan to improve its deficiencies. For district academic deficiencies, the corrective action plan for each such school district shall be based upon a complete analysis of the following: student test data, student grades, student attendance reports, student drop-out data, existence and other relevant data. The corrective action plan shall describe the specific measures to be taken by the particular school district and school to improve: (a) instruction; (b) curriculum; (c) professional development; (d) personnel and classroom organization; (e) student incentives for performance; (f) process deficiencies; and (g) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision of the State Board of Education establishing the probationary period of time shall be final;

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

(d) Contract, in its discretion, with the institutions

of higher learning or other appropriate private entities to assist school districts;

(e) Provide for publication of public notice at least one (1) time during the probationary period, in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein.

The publication shall include the following: declaration of school system's status as being on probation; all details relating to the impairment report, and other information as the State Board of Education deems appropriate. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

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

(b) If the State Board of Education and the Commission on School Accreditation determine that an extreme emergency situation exists in a school district which jeopardizes the safety, security or educational interests of the children enrolled in the schools in that district and such emergency situation is believed to be related to a serious violation or violations of accreditation standards or state or federal law, the State Board of Education may request the Governor to declare a state of emergency in that school district. For purposes of this paragraph, such declarations of a state of emergency shall not be limited to those instances when a school district's impairments are related to a lack of financial resources, but also shall

include serious failure to meet minimum academic standards, as evidenced by a continued pattern of poor student performance.

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

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

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

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

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

(v) For states of emergency declared under paragraph (a) only, if the accreditation deficiencies are related to the fact that the school district is too small, with too few resources, to meet the required standards and if another school district is willing to accept those students, abolish that district and assign that territory to another school district or districts. If the school district has proposed a voluntary consolidation with another school district or districts, then if the State Board of Education finds that it is in the best interest

of the pupils of the district for such consolidation to proceed, the voluntary consolidation shall have priority over any such assignment of territory by the State Board of Education;

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

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

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

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

(12) Upon the declaration of a state of emergency in a school district under subsection (11) of this section, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of such notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and

shall be printed in bold print. If a conservator has been appointed for the school district, such notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed conservator (name of conservator)."

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

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

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

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

(14) (a) Whenever the Governor declares a state of emergency in a school district in response to a request made under subsection (11) of this section, the State Board of Education, in its discretion, may assign an interim conservator to the school

district who will be responsible for the administration, management and operation of the school district, including, but not limited to, the following activities:

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

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

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

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

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

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

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

(viii) Appointing a parent advisory committee, comprised of parents of students in the school district, which may

make recommendations to the conservator concerning the administration, management and operation of the school district.

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

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

(b) In order to provide loans to school districts under a state of emergency which have impairments related to a lack of financial resources, the School District Emergency Assistance Fund is created as a special fund in the State Treasury into which monies may be transferred or appropriated by the Legislature from any available public education funds. The maximum amount that may be appropriated or transferred to the School District Emergency Assistance Fund for any one (1) emergency shall be Two Million Dollars (\$2,000,000.00), and the maximum amount that may be appropriated during any fiscal year shall be Three Million Dollars (\$3,000,000.00).

The State Board of Education may loan monies from the School District Emergency Assistance Fund to a school district that is under a state of emergency in such amounts, as determined by the board, which are necessary to correct the district's impairments related to a lack of financial resources. The loans shall be evidenced by an agreement between the school district and the State Board of Education and shall be repayable in principal, without necessity of interest, to the State General Fund or the

Education Enhancement Fund, depending on the source of funding for such loan, by the school district from any allowable funds that are available. The total amount loaned to the district shall be due and payable within five (5) years after the impairments related to a lack of financial resources are corrected. If a school district fails to make payments on the loan in accordance with the terms of the agreement between the district and the State Board of Education, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may withhold that district's minimum program funds in an amount and manner that will effectuate repayment consistent with the terms of the agreement; such funds withheld by the department shall be deposited into the State General Fund or the Education Enhancement Fund, as the case may be.

If the State Board of Education determines that an extreme emergency exists, simultaneous with the powers exercised in this subsection, it shall take immediate action against all parties responsible for the affected school districts having been determined to be in an extreme emergency. Such action shall include, but not be limited to, initiating civil actions to recover funds and criminal actions to account for criminal activity. Any funds recovered by the State Auditor or the State Board of Education from the surety bonds of school officials or from any civil action brought under this subsection shall be applied toward the repayment of any loan made to a school district hereunder.

(15) In the event a majority of the membership of the school board of any school district resigns from office, the State Board of Education shall be authorized to assign an interim conservator, who shall be responsible for the administration, management and operation of the school district until such time as new board members are selected or the Governor declares a state of emergency in that school district under subsection (11), whichever occurs first. In such case, the State Board of Education, acting through the interim conservator, shall have all powers which were held by the previously existing school board, and may take such action as



prescribed in Section 37-17-13 and/or one or more of the actions authorized in this section.

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

(17) Before December 1, 1999, the State Board of Education shall recommend a program to the Education Committees of the House of Representatives and the Senate for identifying and rewarding public schools that improve or are high-performing. The program shall be described by the board in a written report, which shall include criteria and a process through which improving schools and high-performing schools will be identified and rewarded.

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

SECTION 7. Sections 1, 2, 3, 4, 5, 6, 7 and 11 of House Bill No. 1134, 2000 Regular Session, which established an incentive grant program for improving schools and an accountability program for low-performing schools, are hereby repealed.

SECTION 8. Section 12 of House Bill No. 1134, 2000 Regular Session, is amended as follows:

Section 12. This act shall take effect and be in force from and after July 1, 2000 \* \* \*.

SECTION 9. The Attorney General of the State of Mississippi shall submit Sections 4 and 5 of this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of

Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 10. This act shall take effect and be in force from and after July 1, 2000; provided that Sections 4 and 5 shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

**FURTHER amend by striking the title in its entirety and inserting in lieu thereof the following:**

AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ESTABLISH AND IMPLEMENT A SUPERIOR-PERFORMING AND EXEMPLARY SCHOOLS PROGRAM FOR IDENTIFYING AND GRANTING FINANCIAL INCENTIVES TO LOW PERFORMING SCHOOLS THAT IMPROVE AND TO THE HIGHEST PERFORMING SCHOOLS IN THEIR CLASSIFICATION; TO ESTABLISH CRITERIA FOR THIS PROGRAM SUBJECT TO SPECIFIC APPROPRIATION BY THE LEGISLATURE; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO DEVELOP A SCHOOL IMPROVEMENT PROGRAM AND A PROBATIONARY PERIOD FOR SCHOOLS WITH ACCREDITATION DEFICIENCIES, TO BE DESIGNATED AS "PRIORITY SCHOOLS," TO PROVIDE FOR AN EVALUATION PROCESS, TO PROVIDE FOR THE IDENTIFICATION AND TRAINING OF INDEPENDENT EVALUATION TEAM MEMBERS AND TO PROVIDE SCHOOL EVALUATION PROCEDURES FOR THE EVALUATION TEAMS; TO PROVIDE FOR THE DEVELOPMENT OF SCHOOL IMPROVEMENT PLANS FOR PRIORITY SCHOOLS AND TO PROVIDE FOR THE APPOINTMENT OF ASSISTANCE TEAMS BY THE STATE DEPARTMENT OF EDUCATION; TO AUTHORIZE THE PRIORITY SCHOOL IMPROVEMENT PROCESS TO INCLUDE MANDATORY PROFESSIONAL DEVELOPMENT FOR INDIVIDUAL PRINCIPALS, TEACHERS AND SUPERINTENDENTS OF SUCH SCHOOLS AND TO PROVIDE EMPLOYMENT SANCTIONS FOR PRINCIPALS OR TEACHERS WHO FAIL TO PARTICIPATE IN SUCH PROFESSIONAL DEVELOPMENT, TO PROVIDE FOR A PERFORMANCE-BASED EVALUATION OF SUCH PRINCIPALS AND TEACHERS WHO HAVE PARTICIPATED IN SUCH PROFESSIONAL DEVELOPMENT, TO PROVIDE FOR RECALL ELECTIONS OR APPOINTMENT DECISIONS FOR SUPERINTENDENTS OR SCHOOL BOARD MEMBERS IN CERTAIN SITUATIONS WHERE PRIORITY SCHOOLS DO NOT IMPROVE DEFICIENCIES, AND TO REQUIRE CERTAIN REPORTS BY THE STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION 37-7-306, MISSISSIPPI CODE OF 1972, TO REQUIRE ALL LOCAL SCHOOL BOARD

MEMBERS SELECTED AFTER JULY 1, 2002, TO HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ANNUAL REPORTS ON AN INTERIM CONSERVATOR AFTER THREE YEARS IN A SCHOOL DISTRICT IF THE SCHOOL DOES NOT DEMONSTRATE SUBSTANTIAL INSTRUCTIONAL IMPROVEMENT; TO REPEAL SECTIONS 1 THROUGH 7 AND 11 OF HOUSE BILL NO. 1134, 2000 REGULAR SESSION, WHICH ESTABLISHED AN INCENTIVE GRANT PROGRAM FOR IMPROVING SCHOOLS AND AN ACCOUNTABILITY PROGRAM FOR LOW-PERFORMING

SCHOOLS; TO AMEND SECTION 12 OF HOUSE BILL NO. 1134, 2000 REGULAR SESSION, IN CONFORMITY; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X \_\_\_\_\_

Alice Harden

X \_\_\_\_\_

Joseph L. Warren

X \_\_\_\_\_

David Jordan

X \_\_\_\_\_

Billy Broomfield

X \_\_\_\_\_

Bennie L. Turner

X \_\_\_\_\_

Cecil Brown