

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2488**

**By Representative(s) Committee**

36           Amend by striking all after the enacting clause and inserting  
37 in lieu thereof the following:

38  
39           SECTION 1. (1) The State Board of Education shall  
40 establish, design and implement a High-Performing Schools Program  
41 and an Improving Schools Program for identifying and rewarding  
42 public schools that improve. The State Board of Education shall  
43 develop rules and regulations for the program, establish criteria,  
44 and establish a process through which high-performing and  
45 improving schools will be identified and rewarded. Upon full  
46 implementation of the statewide testing program, High-Performing  
47 or Improving School designation shall be made by the State Board  
48 of Education in accordance with the following:

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

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

59 curriculum requirements.

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

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

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

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

74 (2) Upon designation, Improving and High-Performing Schools  
75 shall be eligible to receive an incentive amount to be used for  
76 selected school needs, as identified by a vote of all licensed and  
77 instructional personnel employed at the school. This incentive  
78 amount will include a base amount per school plus an additional  
79 amount based on that school's average daily attendance. These  
80 incentive funds may be used for specific school needs, including,  
81 but not limited to:

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

86 (b) Technology needs;

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

90 (d) Paid professional leave.

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

93 (3) The State Board of Education shall provide special

94 recognition to all schools receiving Improving or High-Performing  
95 designation and their school districts. Examples of such  
96 recognition include, but are not limited to: public announcements  
97 and events; special recognition of students' progress and efforts;  
98 certificates of recognition and plaques for teachers, principals,  
99 superintendents, support personnel and parents; and media  
100 announcements utilizing the services of Mississippi Educational  
101 Television.

102       SECTION 2. (1) Upon full implementation of the statewide  
103 testing programs developed by the State Board of Education  
104 pursuant to Chapter 16, Title 37, Mississippi Code of 1972, the  
105 board shall establish for those individual schools failing to meet  
106 accreditation standards established under this chapter, a program  
107 of development to be complied with in order to receive state  
108 funds.

109       (2) Following a thorough analysis of school data each year,  
110 the State Department of Education shall identify those schools  
111 that are the most deficient in educating students and are in need  
112 of improvement. This analysis shall measure the individual school  
113 performance by determining if a school met its assigned yearly  
114 growth expectation and by determining what percentage of the  
115 students in the school are proficient. A school shall be  
116 identified as needing assistance and labeled a "School at Risk" if  
117 the school: (a) does not meet its growth expectation; and (b) has  
118 a percentage of students functioning below grade level, as  
119 designated by the State Board of Education.

120       (3) Once a School at Risk has been identified and written  
121 notice sent by the State Board of Education by certified mail to  
122 both the school principal and the local board of education, the  
123 State Board of Education and the State Department of Education  
124 shall assign an evaluation team to the school. The evaluation  
125 team shall consist of a minimum of five (5) trained members  
126 appointed by the department and approved by the State Board of  
127 Education from the following categories: (a) school  
128 superintendents; (b) school principals; (c) curriculum

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

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

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

159 (b) The evaluation team shall analyze the School at  
160 Risk's data to determine probable areas of weakness before  
161 conducting an on-site audit. The evaluation team shall proceed to  
162 conduct an on-site audit and shall prepare an evaluation report.  
163 If necessary, the evaluation team may request additional

164 individuals in specialty areas to participate as team members in  
165 preparing the evaluation. After completing the evaluation of the  
166 School at Risk, the team shall prepare and adopt its school  
167 evaluation report, which shall be submitted to the State  
168 Superintendent of Public Education for review and approval. The  
169 school evaluation report shall identify any personnel who were  
170 found by the evaluation team to be in need of participation in a  
171 professional development plan.

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

180 SECTION 3. (1) Based on the findings of the evaluation  
181 report prepared pursuant to Section 2 of Senate Bill No. 2488,  
182 2000 Regular Session, and the results of the public meeting, the  
183 State Department of Education and the evaluation team leader shall  
184 assist the school principal and other local school officials in  
185 the development of a school improvement plan to improve its  
186 deficiencies. A local parent advisory committee shall be  
187 established by the evaluation team at the school in order to  
188 provide input and guidance into the development of the school  
189 improvement plan and its evaluation during the implementation  
190 period. Local parent-teacher associations or organizations shall  
191 have input in the selection of the parent advisory committee.  
192 Where no active local parent-teacher group exists, the State  
193 Department of Education may request assistance from the  
194 Mississippi Parent-Teacher Association in the selection of the  
195 local parent advisory committee.

196 (2) The school improvement plan shall be approved by the  
197 principal of the School at Risk, the superintendent of the local  
198 school district, the local school board and a majority of the

199 teachers of the school, within a time period to be determined by  
200 the evaluation team. If the local school and local school board  
201 fail to approve the plan, the State Board of Education may approve  
202 and implement the plan in the school.

203 (3) The State Department of Education may provide technical  
204 assistance to the School at Risk in the implementation of the  
205 school improvement plan, including the implementation of any  
206 recommended professional development plan, or the department may  
207 contract with the institutions of higher learning or other  
208 appropriate private entities to provide such technical assistance.  
209 The assistance team shall collaborate with school and school  
210 district employees in the implementation and monitoring of the  
211 school improvement plan and shall report, as appropriate, to the  
212 local school board and the local community.

213 SECTION 4. (1) As part of the school improvement plan for a  
214 School at Risk, a professional development plan shall be prepared  
215 for those school administrators, teachers or other employees who  
216 are identified by the evaluation team as needing improvement.

217 (2) (a) If a principal is deemed to be in need of  
218 improvement by the evaluation team, a professional development  
219 plan shall be developed for the principal regardless of his period  
220 of employment at the school. The principal's full participation  
221 in the professional development plan shall be required. The plan  
222 shall provide professional training in the roles and behaviors of  
223 an instructional leader and shall offer training specifically  
224 identified for that principal's needs. The principal of a School  
225 at Risk also may be assigned mentors who have demonstrated  
226 expertise as high-performing principals. Mentors shall make a  
227 personal time commitment to this process and may not be evaluators  
228 of the principals being mentored. The evaluation team shall  
229 continue to evaluate all school personnel during this period,  
230 evaluate their professional development plans and recommend  
231 personnel decisions to the local school board as appropriate.

232 (b) At the end of the second year, if a school  
233 continues to be a School at Risk, the local school board shall

234 initiate one (1) of the following four (4) options concerning the  
235 school's principal:

236 (i) Make any necessary adjustments in his  
237 professional development plan, and continue a third year of  
238 professional development and mentoring; or

239 (ii) Permit the principal to apply for a  
240 nonadministrative position for which the principal is licensed, to  
241 include appropriate salary reductions; or

242 (iii) Nonrenew the principal's contract for the  
243 next school year; or

244 (iv) Dismiss the principal consistent with Section  
245 37-9-59.

246 If extenuating circumstances exist, such as the assignment of a  
247 principal at a School at Risk for less than two (2) years, other  
248 options may be considered, subject to approval by the State Board  
249 of Education.

250 (c) At the end of the third year, if a school continues  
251 to be a School at Risk and a principal has been at that school for  
252 three (3) or more years, the local school board shall dismiss the  
253 principal in a manner consistent with Section 37-9-59, and the  
254 State Board of Education may initiate the school district  
255 conservatorship process authorized under Section 37-17-6.

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

268 (b) If, after one (1) year, the teacher fails to

269 perform, the local school board shall reevaluate the teacher's  
270 professional development plan, make any necessary adjustments to  
271 it, and require his participation in the plan for a second year.

272 (c) If, after the second year, the teacher fails to  
273 perform, his performance and professional development plan shall  
274 be reevaluated; and the local school board shall take one (1) of  
275 the following four (4) actions:

276 (i) Make any necessary adjustments in the  
277 teacher's professional development plan, and develop a  
278 professional development plan for the third year; or

279 (ii) Reassign the teacher to a nonteaching  
280 position with the appropriate salary reduction; or

281 (iii) Nonrenew the teacher's contract for the next  
282 school year; or

283 (iv) Dismiss the teacher, consistent with Section  
284 37-9-59.

285 (d) If, after the third year, a teacher does not meet  
286 performance expectations, the local school board shall dismiss the  
287 teacher in a manner consistent with Section 37-9-59.

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

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

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

303 (ii) Make any necessary adjustments to his



304 professional development plan and require his continued  
305 participation in a plan.

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

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

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

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

336 (ii) If the office of superintendent is an  
337 appointive office, the name of the superintendent shall be  
338 submitted by the president of the local school board at the next

339 regular meeting of the school board for retention in office or  
340 dismissal from office. If a majority of the school board voting  
341 on the question votes against retaining him in office, a vacancy  
342 shall exist which shall be filled in the manner provided by law;  
343 otherwise, the superintendent shall remain in office for the  
344 duration of his employment contract.

345 (5) If a school continues to be designated a School at Risk  
346 after three (3) years of implementing a school improvement plan,  
347 or if more than fifty percent (50%) of the schools within the  
348 school district are designated as schools at risk in any one (1)  
349 year, the State Board of Education shall issue a written request  
350 with documentation to the Governor asking that the membership of  
351 the school board of such school district be subject to recall.  
352 Whenever the Governor declares that the membership of the school  
353 board is subject to recall, the county election commission or the  
354 local governing authorities, as the case may be, shall take the  
355 following action:

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

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

373 If a majority of those voting on the question vote against

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

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

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

404 (6) If a school continues to be designated a School at Risk  
405 after three (3) years of implementing a school improvement plan,  
406 or if more than fifty percent (50%) of the schools within the  
407 school district are designated as schools at risk in any one (1)  
408 year, the State Board of Education may request that the Governor

409 declare a state of emergency in that school district. Upon the  
410 declaration of the state of emergency by the Governor, the State  
411 Board of Education may take those actions for dealing with the  
412 school district authorized under Section 37-17-6, including the  
413 appointment of an interim conservator.

414 (7) The State Department of Education shall make a  
415 semiannual report to the State Board of Education identifying the  
416 number and names of schools classified as a School at Risk, which  
417 shall include a description of the deficiencies identified and the  
418 actions recommended and implemented. The department also shall  
419 notify the State Board of Education of any School at Risk that has  
420 successfully completed its improvement plan and shall notify the  
421 Governor and the Legislature of such school's progress.

422 SECTION 5. Section 37-9-25, Mississippi Code of 1972, is  
423 amended as follows:

424 37-9-25. The school board shall have the power and  
425 authority, in its discretion, to employ the superintendent, unless  
426 such superintendent is elected, for not exceeding four (4)  
427 scholastic years and the principals or licensed employees for not  
428 exceeding three (3) scholastic years. In such case, contracts  
429 shall be entered into with such superintendents, principals and  
430 licensed employees for the number of years for which they have  
431 been employed. All such contracts with licensed employees shall  
432 for the years after the first year thereof be subject to the  
433 contingency that the licensed employee may be released if, during  
434 the life of the contract, the average daily attendance should  
435 decrease from that existing during the previous year and thus  
436 necessitate a reduction in the number of licensed employees during  
437 any year after the first year of the contract. However, in all  
438 such cases the licensed employee must be released before July 1 or  
439 at least thirty (30) days prior to the beginning of the school  
440 term, whichever date should occur earlier. All contracts with  
441 superintendents, principals and licensed teachers shall be subject  
442 to the contingency that after the first year of the contract, the  
443 superintendent, principal or teacher may be released if, during

444 the life of the contract, the school becomes designated as a  
445 School at Risk pursuant to Section 2 of Senate Bill No. 2488, 2000  
446 Regular Session, and the school or school district's deficiencies  
447 are not improved as required under Senate Bill No. 2488, 2000  
448 Regular Session. The salary to be paid for the years after the  
449 first year of such contract shall be subject to revision, either  
450 upward or downward, in the event of an increase or decrease in the  
451 funds available for the payment thereof, but, unless such salary  
452 is revised prior to the beginning of a school year, it shall  
453 remain for such school year at the amount fixed in such contract.

454 However, where school district funds, other than minimum  
455 education program funds, are available during the school year in  
456 excess of the amount anticipated at the beginning of the school  
457 year the salary to be paid for such year may be increased to the  
458 extent that such additional funds are available and nothing herein  
459 shall be construed to prohibit same.

460 SECTION 6. Section 37-7-306, Mississippi Code of 1972, is  
461 amended as follows:

462 37-7-306. (1) Every school board member selected after July  
463 1, 2000, shall have a high school diploma or its equivalent.

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

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

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

488       (5) Upon the failure of any local school board member of a  
489 school district with a school failing to meet minimum  
490 accreditation standards to file with the school board the  
491 certificate of completion of the continuing education course of  
492 training required under subsection (3) of this section, the school  
493 board member shall be removed from office.

494       SECTION 7. Section 37-17-6, Mississippi Code of 1972, is  
495 amended as follows:

496       37-17-6. (1) The State Board of Education, acting through  
497 the Commission on School Accreditation, shall establish and  
498 implement a permanent performance-based accreditation system, and  
499 all public elementary and secondary schools shall be accredited  
500 under this system.

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

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

510       Number of Students		Number of Certified
511       Per School Library		School Librarians
512       0 - 499 Students	½	Full-time Equivalent
513		Certified Librarian



549 against itself through the standard that has been set for it;

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

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

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

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

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

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

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

578 (8) Deleted.

579 (9) The State Board of Education shall establish, for those  
580 school districts failing to meet accreditation standards, a  
581 program of development to be complied with in order to receive  
582 state funds, except as otherwise provided in subsection (14) of  
583 this section when the Governor has declared a state of emergency



584 in a school district or as otherwise provided in Section 206,  
585 Mississippi Constitution of 1890. The state board, in  
586 establishing these standards, shall provide for notice to schools  
587 and sufficient time and aid to enable schools to attempt to meet  
588 these standards, unless procedures under subsection (14) of this  
589 section have been invoked.

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

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

596 (b) Notify any applicable school district failing to  
597 meet accreditation standards that it is on probation until  
598 corrective actions are taken or until the deficiencies have been  
599 removed. The local school district shall develop a corrective  
600 action plan to improve its deficiencies. For district academic  
601 deficiencies, the corrective action plan for each such school  
602 district shall be based upon a complete analysis of the following:

603 student test data, student grades, student attendance reports,  
604 student drop-out data, existence and other relevant data. The  
605 corrective action plan shall describe the specific measures to be  
606 taken by the particular school district and school to improve:

607 (a) instruction; (b) curriculum; (c) professional development; (d)  
608 personnel and classroom organization; (e) student incentives for  
609 performance; (f) process deficiencies; and (g) reporting to the  
610 local school board, parents and the community. The corrective  
611 action plan shall describe the specific individuals responsible  
612 for implementing each component of the recommendation and how each  
613 will be evaluated. All corrective action plans shall be provided  
614 to the State Board of Education as may be required. The decision  
615 of the State Board of Education establishing the probationary  
616 period of time shall be final;

617 (c) Offer, during the probationary period, technical  
618 assistance to the school district in making corrective actions.

619 Beginning July 1, 1998, subject to the availability of funds, the  
620 State Department of Education shall provide technical and/or  
621 financial assistance to all such school districts in order to  
622 implement each measure identified in that district's corrective  
623 action plan through professional development and on-site  
624 assistance. Each such school district shall apply for and utilize  
625 all available federal funding in order to support its corrective  
626 action plan in addition to state funds made available under this  
627 paragraph;

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

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

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

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

653 (b) If the State Board of Education and the Commission

654 on School Accreditation determine that an extreme emergency  
655 situation exists in a school district which jeopardizes the  
656 safety, security or educational interests of the children enrolled  
657 in the schools in that district and such emergency situation is  
658 believed to be related to a serious violation or violations of  
659 accreditation standards or state or federal law, the State Board  
660 of Education may request the Governor to declare a state of  
661 emergency in that school district. For purposes of this  
662 paragraph, such declarations of a state of emergency shall not be  
663 limited to those instances when a school district's impairments  
664 are related to a lack of financial resources, but also shall  
665 include serious failure to meet minimum academic standards, as  
666 evidenced by a continued pattern of poor student performance.

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

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

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

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

688 (iv) Grant transfers to students who attend this

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

692 (v) For states of emergency declared under  
693 paragraph (a) only, if the accreditation deficiencies are related  
694 to the fact that the school district is too small, with too few  
695 resources, to meet the required standards and if another school  
696 district is willing to accept those students, abolish that  
697 district and assign that territory to another school district or  
698 districts. If the school district has proposed a voluntary  
699 consolidation with another school district or districts, then if  
700 the State Board of Education finds that it is in the best interest  
701 of the pupils of the district for such consolidation to proceed,  
702 the voluntary consolidation shall have priority over any such  
703 assignment of territory by the State Board of Education;

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

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

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

720 (12) Upon the declaration of a state of emergency in a  
721 school district under subsection (11) of this section, the  
722 Commission on School Accreditation shall be responsible for public  
723 notice at least once a week for at least three (3) consecutive

724 weeks in a newspaper published within the jurisdiction of the  
725 school district failing to meet accreditation standards, or if no  
726 newspaper is published therein, then in a newspaper having a  
727 general circulation therein. The size of such notice shall be no  
728 smaller than one-fourth (1/4) of a standard newspaper page and  
729 shall be printed in bold print. If a conservator has been  
730 appointed for the school district, such notice shall begin as  
731 follows: "By authority of Section 37-17-6, Mississippi Code of  
732 1972, as amended, adopted by the Mississippi Legislature during  
733 the 1991 Regular Session, this school district (name of school  
734 district) is hereby placed under the jurisdiction of the State  
735 Department of Education acting through its appointed conservator  
736 (name of conservator)."

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

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

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

757 Nothing in this section shall be construed to grant any  
758 individual, corporation, board or conservator the authority to

759 levy taxes except in accordance with presently existing statutory  
760 provisions.

761 (14) (a) Whenever the Governor declares a state of  
762 emergency in a school district in response to a request made under  
763 subsection (11) of this section, the State Board of Education, in  
764 its discretion, may assign an interim conservator to the school  
765 district who will be responsible for the administration,  
766 management and operation of the school district, including, but  
767 not limited to, the following activities:

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

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

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

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

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

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

794 to those recommendations;

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

799 (viii) Appointing a parent advisory committee,  
800 comprised of parents of students in the school district, which may  
801 make recommendations to the conservator concerning the  
802 administration, management and operation of the school district.

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

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

818 (b) In order to provide loans to school districts under  
819 a state of emergency which have impairments related to a lack of  
820 financial resources, the School District Emergency Assistance Fund  
821 is created as a special fund in the State Treasury into which  
822 monies may be transferred or appropriated by the Legislature from  
823 any available public education funds. The maximum amount that may  
824 be appropriated or transferred to the School District Emergency  
825 Assistance Fund for any one (1) emergency shall be Two Million  
826 Dollars (\$2,000,000.00), and the maximum amount that may be  
827 appropriated during any fiscal year shall be Three Million Dollars  
828 (\$3,000,000.00).

829           The State Board of Education may loan monies from the School  
830 District Emergency Assistance Fund to a school district that is  
831 under a state of emergency in such amounts, as determined by the  
832 board, which are necessary to correct the district's impairments  
833 related to a lack of financial resources. The loans shall be  
834 evidenced by an agreement between the school district and the  
835 State Board of Education and shall be repayable in principal,  
836 without necessity of interest, to the State General Fund or the  
837 Education Enhancement Fund, depending on the source of funding for  
838 such loan, by the school district from any allowable funds that  
839 are available. The total amount loaned to the district shall be  
840 due and payable within five (5) years after the impairments  
841 related to a lack of financial resources are corrected. If a  
842 school district fails to make payments on the loan in accordance  
843 with the terms of the agreement between the district and the State  
844 Board of Education, the State Department of Education, in  
845 accordance with rules and regulations established by the State  
846 Board of Education, may withhold that district's minimum program  
847 funds in an amount and manner that will effectuate repayment  
848 consistent with the terms of the agreement; such funds withheld by  
849 the department shall be deposited into the State General Fund or  
850 the Education Enhancement Fund, as the case may be.

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

863           (15) In the event a majority of the membership of the school



864 board of any school district resigns from office, the State Board  
865 of Education shall be authorized to assign an interim conservator,  
866 who shall be responsible for the administration, management and  
867 operation of the school district until such time as new board  
868 members are selected or the Governor declares a state of emergency  
869 in that school district under subsection (11), whichever occurs  
870 first. In such case, the State Board of Education, acting through  
871 the interim conservator, shall have all powers which were held by  
872 the previously existing school board, and may take such action as  
873 prescribed in Section 37-17-13 and/or one or more of the actions  
874 authorized in this section.

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

882 \* \* \*

883 SECTION 8. The Attorney General of the State of Mississippi  
884 shall submit Sections 4 and 6 of this act, immediately upon  
885 approval by the Governor, or upon approval by the Legislature  
886 subsequent to a veto, to the Attorney General of the United States  
887 or to the United States District Court for the District of  
888 Columbia in accordance with the provisions of the Voting Rights  
889 Act of 1965, as amended and extended.

890 SECTION 9. Sections 1 through 3, 5, 7 and 8 of this act  
891 shall take effect and be in force from and after July 1, 2000.  
892 Sections 4 and 6 of this act shall take effect and be in force  
893 from and after July 1, 2000, if they are effectuated on or before  
894 that date under Section 5 of the Voting Rights Act of 1965, as  
895 amended and extended. If Sections 4 and 6 of this act are  
896 effectuated under Section 5 of the Voting Rights Act of 1965, as  
897 amended and extended, after July 1, 2000, such sections shall take  
898 effect and be in force from and after the date they are

899 effectuated under Section 5 of the Voting Rights Act of 1965, as  
900 amended and extended.

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

1 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ESTABLISH  
2 AND IMPLEMENT IMPROVING AND HIGH-PERFORMING SCHOOLS PROGRAMS FOR  
3 IDENTIFYING AND GRANTING FINANCIAL INCENTIVES TO LOW PERFORMING  
4 SCHOOLS THAT IMPROVE AND TO THE HIGHEST PERFORMING SCHOOLS IN  
5 THEIR CLASSIFICATION; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO  
6 DEVELOP A SCHOOL IMPROVEMENT PROGRAM AND A PROBATIONARY PERIOD FOR  
7 SCHOOLS WITH ACCREDITATION DEFICIENCIES, TO BE DESIGNATED AS  
8 "SCHOOLS AT RISK," TO PROVIDE FOR AN EVALUATION PROCESS, TO  
9 PROVIDE FOR THE IDENTIFICATION AND TRAINING OF INDEPENDENT  
10 EVALUATION TEAM MEMBERS AND TO PROVIDE SCHOOL EVALUATION  
11 PROCEDURES FOR THE EVALUATION TEAMS; TO PROVIDE FOR THE  
12 DEVELOPMENT OF SCHOOL IMPROVEMENT PLANS FOR SCHOOLS AT RISK AND TO  
13 PROVIDE FOR THE APPOINTMENT OF ASSISTANCE TEAMS BY THE STATE  
14 DEPARTMENT OF EDUCATION; TO AUTHORIZE THE SCHOOL AT RISK  
15 IMPROVEMENT PROCESS TO INCLUDE MANDATORY PROFESSIONAL DEVELOPMENT  
16 FOR INDIVIDUAL PRINCIPALS, TEACHERS AND SUPERINTENDENTS OF SUCH  
17 SCHOOLS AND TO PROVIDE EMPLOYMENT SANCTIONS FOR PRINCIPALS OR  
18 TEACHERS WHO FAIL TO PARTICIPATE IN SUCH PROFESSIONAL DEVELOPMENT,  
19 TO PROVIDE FOR A PERFORMANCE-BASED EVALUATION OF SUCH PRINCIPALS  
20 AND TEACHERS WHO HAVE PARTICIPATED IN SUCH PROFESSIONAL  
21 DEVELOPMENT, TO PROVIDE FOR RECALL ELECTIONS OR APPOINTMENT  
22 DECISIONS FOR SUPERINTENDENTS OR SCHOOL BOARD MEMBERS IN CERTAIN  
23 SITUATIONS WHERE SCHOOLS AT RISK DO NOT IMPROVE DEFICIENCIES, AND  
24 TO REQUIRE CERTAIN REPORTS BY THE STATE DEPARTMENT OF EDUCATION;  
25 TO AMEND SECTION 37-9-25, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
26 THERETO; TO AMEND SECTION 37-7-306, MISSISSIPPI CODE OF 1972, TO  
27 REQUIRE ALL LOCAL SCHOOL BOARD MEMBERS SELECTED AFTER JULY 1,  
28 2000, TO HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT, AND TO  
29 REQUIRE SCHOOL BOARD MEMBERS OF SCHOOLS THAT HAVE LOST THEIR  
30 ACCREDITATION TO COMPLETE ANNUAL TRAINING COURSES IN ORDER TO  
31 RETAIN THEIR OFFICE; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF  
32 1972, TO DELETE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION  
33 SUBMIT CERTAIN REPORTS TO THE LEGISLATURE BEFORE DECEMBER 1, 1999;  
34 AND FOR RELATED PURPOSES.