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To: Education

SENATE BILL NO. 2012
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE STATE BOARD OF EDUCATION TO EXEMPT CERTAIN SCHOOLS
3 FROM ACCOUNTABILITY STANDARDS DUE TO HURRICANE KATRINA OF 2005;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 37-17-6, Mississippi Code of 1972, is
7 amended as follows:

8 37-17-6. (1) The State Board of Education, acting through
9 the Commission on School Accreditation, shall establish and
10 implement a permanent performance-based accreditation system, and
11 all public elementary and secondary schools shall be accredited
12 under this system.

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

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

22	Number of Students	Number of Certified
23	Per School Library	School Librarians
24	0 - 499 Students	½ Full-time Equivalent
25		Certified Librarian
26	500 or More Students	1 Full-time Certified
27		Librarian

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

30 (c) The assignment of such school librarians to the
31 particular schools shall be at the discretion of the local school
32 district. No individual shall be employed as a certified school
33 librarian without appropriate training and certification as a
34 school librarian by the State Department of Education.

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

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

42 (f) Any additional mileage levied to fund school
43 librarians required for accreditation under this subsection shall
44 be included in the tax increase limitation set forth in Sections
45 37-57-105 and 37-57-107 and shall not be deemed a new program for
46 purposes of the limitation.

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

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

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

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

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

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

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

65 (g) A determination of which schools are failing to
66 meet their standards and a determination of the appropriate role
67 of the State Board of Education and the State Department of
68 Education in providing assistance and initiating possible
69 intervention; * * *

70 (h) Development of a comprehensive student assessment
71 system to implement these requirements; and

72 (i) The State Board of Education may, based on a
73 written request that contains specific reasons for requesting a
74 waiver from the school districts affected by Hurricane Katrina of
75 2005, hold harmless school districts from assignment of district
76 and school level accountability ratings for the 2005-2006 school
77 year. The State Board of Education upon finding an extreme
78 hardship in the school district may grant the request. It is the
79 intent of the Legislature that all school districts maintain the
80 highest possible academic standards and instructional programs in
81 all schools as required by law and the State Board of Education.

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

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

90 (6) The State Board of Education shall create an
91 accreditation audit unit under the Commission on School

92 Accreditation to determine whether schools are complying with
93 accreditation standards.

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

100 (8) Deleted.

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

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

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

118 (b) Notify any applicable school district failing to
119 meet accreditation standards that it is on probation until
120 corrective actions are taken or until the deficiencies have been
121 removed. The local school district shall develop a corrective
122 action plan to improve its deficiencies. For district academic
123 deficiencies, the corrective action plan for each such school
124 district shall be based upon a complete analysis of the following:

125 student test data, student grades, student attendance reports,
126 student drop-out data, existence and other relevant data. The
127 corrective action plan shall describe the specific measures to be
128 taken by the particular school district and school to improve:
129 (a) instruction; (b) curriculum; (c) professional development; (d)
130 personnel and classroom organization; (e) student incentives for
131 performance; (f) process deficiencies; and (g) reporting to the
132 local school board, parents and the community. The corrective
133 action plan shall describe the specific individuals responsible
134 for implementing each component of the recommendation and how each
135 will be evaluated. All corrective action plans shall be provided
136 to the State Board of Education as may be required. The decision
137 of the State Board of Education establishing the probationary
138 period of time shall be final;

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

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

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

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

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

175 (b) If the State Board of Education and the Commission
176 on School Accreditation determine that an extreme emergency
177 situation exists in a school district which jeopardizes the
178 safety, security or educational interests of the children enrolled
179 in the schools in that district and such emergency situation is
180 believed to be related to a serious violation or violations of
181 accreditation standards or state or federal law, the State Board
182 of Education may request the Governor to declare a state of
183 emergency in that school district. For purposes of this
184 paragraph, such declarations of a state of emergency shall not be
185 limited to those instances when a school district's impairments
186 are related to a lack of financial resources, but also shall
187 include serious failure to meet minimum academic standards, as
188 evidenced by a continued pattern of poor student performance.

189 (c) Whenever the Governor declares a state of emergency
190 in a school district in response to a request made under paragraph

191 (a) or (b) of this subsection, the State Board of Education may
192 take one or more of the following actions:

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

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

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

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

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

224 the voluntary consolidation shall have priority over any such
225 assignment of territory by the State Board of Education;

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

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

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

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

250 (12) Upon the declaration of a state of emergency in a
251 school district under subsection (11) of this section, the
252 Commission on School Accreditation shall be responsible for public
253 notice at least once a week for at least three (3) consecutive
254 weeks in a newspaper published within the jurisdiction of the
255 school district failing to meet accreditation standards, or if no
256 newspaper is published therein, then in a newspaper having a

257 general circulation therein. The size of such notice shall be no
258 smaller than one-fourth (1/4) of a standard newspaper page and
259 shall be printed in bold print. If a conservator has been
260 appointed for the school district, such notice shall begin as
261 follows: "By authority of Section 37-17-6, Mississippi Code of
262 1972, as amended, adopted by the Mississippi Legislature during
263 the 1991 Regular Session, this school district (name of school
264 district) is hereby placed under the jurisdiction of the State
265 Department of Education acting through its appointed conservator
266 (name of conservator)."

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

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

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

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

289 levy taxes except in accordance with presently existing statutory
290 provisions.

291 (14) (a) Whenever the Governor declares a state of
292 emergency in a school district in response to a request made under
293 subsection (11) of this section, the State Board of Education, in
294 its discretion, may assign an interim conservator to the school
295 district who will be responsible for the administration,
296 management and operation of the school district, including, but
297 not limited to, the following activities:

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

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

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

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

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

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

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

329 (viii) Appointing a parent advisory committee,
330 comprised of parents of students in the school district, which may
331 make recommendations to the conservator concerning the
332 administration, management and operation of the school district.

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

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

348 (b) In order to provide loans to school districts under
349 a state of emergency which have impairments related to a lack of
350 financial resources, the School District Emergency Assistance Fund
351 is created as a special fund in the State Treasury into which
352 monies may be transferred or appropriated by the Legislature from
353 any available public education funds. The maximum amount that may
354 be appropriated or transferred to the School District Emergency

355 Assistance Fund for any one (1) emergency shall be Two Million
356 Dollars (\$2,000,000.00), and the maximum amount that may be
357 appropriated during any fiscal year shall be Three Million Dollars
358 (\$3,000,000.00).

359 The State Board of Education may loan monies from the School
360 District Emergency Assistance Fund to a school district that is
361 under a state of emergency in such amounts, as determined by the
362 board, which are necessary to correct the district's impairments
363 related to a lack of financial resources. The loans shall be
364 evidenced by an agreement between the school district and the
365 State Board of Education and shall be repayable in principal,
366 without necessity of interest, to the State General Fund or the
367 Education Enhancement Fund, depending on the source of funding for
368 such loan, by the school district from any allowable funds that
369 are available. The total amount loaned to the district shall be
370 due and payable within five (5) years after the impairments
371 related to a lack of financial resources are corrected. If a
372 school district fails to make payments on the loan in accordance
373 with the terms of the agreement between the district and the State
374 Board of Education, the State Department of Education, in
375 accordance with rules and regulations established by the State
376 Board of Education, may withhold that district's minimum program
377 funds in an amount and manner that will effectuate repayment
378 consistent with the terms of the agreement; such funds withheld by
379 the department shall be deposited into the State General Fund or
380 the Education Enhancement Fund, as the case may be.

381 If the State Board of Education determines that an extreme
382 emergency exists, simultaneous with the powers exercised in this
383 subsection, it shall take immediate action against all parties
384 responsible for the affected school districts having been
385 determined to be in an extreme emergency. Such action shall
386 include, but not be limited to, initiating civil actions to
387 recover funds and criminal actions to account for criminal

388 activity. Any funds recovered by the State Auditor or the State
389 Board of Education from the surety bonds of school officials or
390 from any civil action brought under this subsection shall be
391 applied toward the repayment of any loan made to a school district
392 hereunder.

393 (15) In the event a majority of the membership of the school
394 board of any school district resigns from office, the State Board
395 of Education shall be authorized to assign an interim conservator,
396 who shall be responsible for the administration, management and
397 operation of the school district until such time as new board
398 members are selected or the Governor declares a state of emergency
399 in that school district under subsection (11), whichever occurs
400 first. In such case, the State Board of Education, acting through
401 the interim conservator, shall have all powers which were held by
402 the previously existing school board, and may take such action as
403 prescribed in Section 37-17-13 and/or one or more of the actions
404 authorized in this section.

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

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

419 The State Superintendent of Education and the State Board of
420 Education also shall develop a comprehensive accountability plan

421 to ensure that local school boards, superintendents, principals
422 and teachers are held accountable for student achievement. A
423 written report on the accountability plan shall be submitted to
424 the Education Committees of both houses of the Legislature before
425 December 1, 1999, with any necessary legislative recommendations.

426 **SECTION 2.** This act shall take effect and be in force from
427 and after its passage.