

By: Representative Brown

To: Education

HOUSE BILL NO. 1463

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
2 GRANT THE STATE BOARD OF EDUCATION DISCRETION IN DETERMINING
3 WHETHER OR NOT TO ABOLISH AN IMPAIRED SCHOOL DISTRICT THAT IS
4 UNDER A DECLARED STATE OF EMERGENCY DUE TO THE DISTRICT'S SERIOUS
5 VIOLATIONS OF ACCREDITATION STANDARDS OR LAW, TO AUTHORIZE THE
6 STATE BOARD OF EDUCATION TO TAKE ACTIONS LEADING TO RECALLING FROM
7 OFFICE THE SCHOOL DISTRICT SUPERINTENDENT AND MEMBERS OF THE LOCAL
8 SCHOOL BOARD IN A SCHOOL DISTRICT UNDER A DECLARED STATE OF
9 EMERGENCY, AND TO REQUIRE THE STATE BOARD OF EDUCATION TO SUBMIT
10 RECOMMENDATIONS TO THE LEGISLATIVE EDUCATION COMMITTEES ON THE
11 INCLUSION OF GRADUATION AND DROPOUT RATES IN THE SCHOOL LEVEL
12 ACCOUNTABILITY SYSTEM; TO AMEND SECTION 37-18-7, MISSISSIPPI CODE
13 OF 1972, TO REQUIRE A SPECIAL ELECTION ON RECALLING A SCHOOL
14 DISTRICT SUPERINTENDENT AND BOARD MEMBERS IN ANY SCHOOL DISTRICT
15 IN WHICH MORE THAN HALF OF THE SCHOOLS HAVE BEEN DESIGNATED
16 PRIORITY SCHOOLS FOR THREE YEARS TO BE HELD WITHIN 60 DAYS AFTER
17 THE STATE BOARD OF EDUCATION REQUESTS SUCH ELECTION; TO AMEND
18 SECTION 37-17-13, MISSISSIPPI CODE OF 1972, TO GRANT THE STATE
19 BOARD OF EDUCATION DISCRETION IN DETERMINING WHETHER OR NOT TO
20 ABOLISH AN IMPAIRED SCHOOL DISTRICT THAT IS UNDER A DECLARED STATE
21 OF EMERGENCY; AND FOR RELATED PURPOSES.

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

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

25 37-17-6. (1) The State Board of Education, acting through
26 the Commission on School Accreditation, shall establish and
27 implement a permanent performance-based accreditation system, and
28 all public elementary and secondary schools shall be accredited
29 under this system.

30 (2) * * * The State Board of Education, acting through the
31 Commission on School Accreditation, shall require school districts
32 to provide school classroom space that is air conditioned as a
33 minimum requirement for accreditation.

34 (3) (a) * * * The State Board of Education, acting through
35 the Commission on School Accreditation, shall require that school

36 districts employ certified school librarians according to the
37 following formula:

38	Number of Students	Number of Certified
39	Per School Library	School Librarians
40	0 - 499 Students	½ Full-time Equivalent
41		Certified Librarian
42	500 or More Students	1 Full-time Certified
43		Librarian

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

46 (c) The assignment of such school librarians to the
47 particular schools shall be at the discretion of the local school
48 district. No individual shall be employed as a certified school
49 librarian without appropriate training and certification as a
50 school librarian by the State Department of Education.

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

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

58 (f) Any additional mileage levied to fund school
59 librarians required for accreditation under this subsection shall
60 be included in the tax increase limitation set forth in Sections
61 37-57-105 and 37-57-107 and shall not be deemed a new program for
62 purposes of the limitation.

63 (4) * * * The State Board of Education shall implement the
64 performance-based accreditation system for school districts and
65 for individual schools which shall include the following:

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

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

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

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

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

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

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

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

87 (i) The State Board of Education may, based on a
88 written request that contains specific reasons for requesting a
89 waiver from the school districts affected by Hurricane Katrina of
90 2005, hold harmless school districts from assignment of district
91 and school level accountability ratings for the 2005-2006 school
92 year. The State Board of Education upon finding an extreme
93 hardship in the school district may grant the request. It is the
94 intent of the Legislature that all school districts maintain the
95 highest possible academic standards and instructional programs in
96 all schools as required by law and the State Board of Education.

97 The State Board of Education may continue to assign school
98 district performance levels by using a number classification and
99 may assign individual school performance levels by using a number

100 classification to be consistent with school district performance
101 levels.

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

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

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

115 (8) Deleted.

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

127 (10) * * * The State Board of Education shall be charged
128 with the implementation of the program of development in each
129 applicable school district as follows:

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

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

154 (c) Offer, during the probationary period, technical
155 assistance to the school district in making corrective actions.
156 * * * Subject to the availability of funds, the State Department
157 of Education shall provide technical and/or financial assistance
158 to all such school districts in order to implement each measure
159 identified in that district's corrective action plan through
160 professional development and on-site assistance. Each such school
161 district shall apply for and utilize all available federal funding
162 in order to support its corrective action plan in addition to
163 state funds made available under this paragraph;

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

167 (e) Provide for publication of public notice at least
168 one (1) time during the probationary period, in a newspaper
169 published within the jurisdiction of the school district failing
170 to meet accreditation standards, or if no newspaper is published
171 therein, then in a newspaper having a general circulation therein.
172 The publication shall include the following: declaration of
173 school system's status as being on probation; all details relating
174 to the impairment report, and other information as the State Board
175 of Education deems appropriate. Public notices issued under this
176 section shall be subject to Section 13-3-31 and not contrary to
177 other laws regarding newspaper publication.

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

189 (b) If the State Board of Education and the Commission
190 on School Accreditation determine that an extreme emergency
191 situation exists in a school district which jeopardizes the
192 safety, security or educational interests of the children enrolled
193 in the schools in that district and such emergency situation is
194 believed to be related to a serious violation or violations of
195 accreditation standards or state or federal law, the State Board
196 of Education may request the Governor to declare a state of

197 emergency in that school district. For purposes of this
198 paragraph, such declarations of a state of emergency shall not be
199 limited to those instances when a school district's impairments
200 are related to a lack of financial resources, but also shall
201 include serious failure to meet minimum academic standards, as
202 evidenced by a continued pattern of poor student performance.

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

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

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

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

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

228 (v) For states of emergency declared under
229 paragraph (a) only, if the accreditation deficiencies are related

230 to the fact that the school district is too small, with too few
231 resources, to meet the required standards and if another school
232 district is willing to accept those students, abolish that
233 district and assign that territory to another school district or
234 districts. If the school district has proposed a voluntary
235 consolidation with another school district or districts, then if
236 the State Board of Education finds that it is in the best interest
237 of the pupils of the district for such consolidation to proceed,
238 the voluntary consolidation shall have priority over any such
239 assignment of territory by the State Board of Education;

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

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

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

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

262 which the conservator was appointed to guide the local school
263 district.

264 (12) Upon the declaration of a state of emergency in a
265 school district under subsection (11) of this section, the
266 Commission on School Accreditation shall be responsible for public
267 notice at least once a week for at least three (3) consecutive
268 weeks in a newspaper published within the jurisdiction of the
269 school district failing to meet accreditation standards, or if no
270 newspaper is published therein, then in a newspaper having a
271 general circulation therein. The size of such notice shall be no
272 smaller than one-fourth (1/4) of a standard newspaper page and
273 shall be printed in bold print. If a conservator has been
274 appointed for the school district, such notice shall begin as
275 follows: "By authority of Section 37-17-6, Mississippi Code of
276 1972, as amended, adopted by the Mississippi Legislature during
277 the 1991 Regular Session, this school district (name of school
278 district) is hereby placed under the jurisdiction of the State
279 Department of Education acting through its appointed conservator
280 (name of conservator)."

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

290 Upon termination of the state of emergency in a school
291 district, the Commission on School Accreditation shall cause
292 notice to be published in the school district in the same manner
293 provided in this section, to include any or all details relating

294 to the corrective action taken in the school district which
295 resulted in the termination of the state of emergency.

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

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

305 (14) (a) Whenever the Governor declares a state of
306 emergency in a school district in response to a request made under
307 subsection (11) of this section, the State Board of Education, in
308 its discretion, may assign an interim conservator to the school
309 district who will be responsible for the administration,
310 management and operation of the school district, including, but
311 not limited to, the following activities:

312 (i) Approving or disapproving all financial
313 obligations of the district, including, but not limited to, the
314 employment, termination, nonrenewal and reassignment of all
315 licensed and nonlicensed personnel, contractual agreements and
316 purchase orders, and approving or disapproving all claim dockets
317 and the issuance of checks; in approving or disapproving
318 employment contracts of superintendents, assistant superintendents
319 or principals, the interim conservator shall not be required to
320 comply with the time limitations prescribed in Sections 37-9-15
321 and 37-9-105;

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

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

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

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

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

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

343 (viii) Appointing a parent advisory committee,
344 comprised of parents of students in the school district, which may
345 make recommendations to the conservator concerning the
346 administration, management and operation of the school district.

347 Except when, in the determination of the State Board of
348 Education, the school district's impairment is related to a lack
349 of financial resources, the cost of the salary of the conservator
350 and any other actual and necessary costs related to the
351 conservatorship paid by the State Department of Education shall be
352 reimbursed by the local school district from funds other than
353 adequate education program funds. The department shall submit an
354 itemized statement to the superintendent of the local school
355 district for reimbursement purposes, and any unpaid balance may be
356 withheld from the district's * * * adequate education program
357 funds.

358 At such time as the Governor, pursuant to the request of the
359 State Board of Education, declares that the state of emergency no

360 longer exists in a school district, the powers and
361 responsibilities of the interim conservator assigned to such
362 district shall cease.

363 (b) In order to provide loans to school districts under
364 a state of emergency which have impairments related to a lack of
365 financial resources, the School District Emergency Assistance Fund
366 is created as a special fund in the State Treasury into which
367 monies may be transferred or appropriated by the Legislature from
368 any available public education funds. The maximum amount that may
369 be appropriated or transferred to the School District Emergency
370 Assistance Fund for any one (1) emergency shall be Two Million
371 Dollars (\$2,000,000.00), and the maximum amount that may be
372 appropriated during any fiscal year shall be Three Million Dollars
373 (\$3,000,000.00).

374 The State Board of Education may loan monies from the School
375 District Emergency Assistance Fund to a school district that is
376 under a state of emergency in such amounts, as determined by the
377 board, which are necessary to correct the district's impairments
378 related to a lack of financial resources. The loans shall be
379 evidenced by an agreement between the school district and the
380 State Board of Education and shall be repayable in principal,
381 without necessity of interest, to the State General Fund or the
382 Education Enhancement Fund, depending on the source of funding for
383 such loan, by the school district from any allowable funds that
384 are available. The total amount loaned to the district shall be
385 due and payable within five (5) years after the impairments
386 related to a lack of financial resources are corrected. If a
387 school district fails to make payments on the loan in accordance
388 with the terms of the agreement between the district and the State
389 Board of Education, the State Department of Education, in
390 accordance with rules and regulations established by the State
391 Board of Education, may withhold that district's adequate
392 education program funds in an amount and manner that will

393 effectuate repayment consistent with the terms of the agreement;
394 such funds withheld by the department shall be deposited into the
395 State General Fund or the Education Enhancement Fund, as the case
396 may be.

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

409 (15) In the event a majority of the membership of the school
410 board of any school district resigns from office, the State Board
411 of Education shall be authorized to assign an interim conservator,
412 who shall be responsible for the administration, management and
413 operation of the school district until such time as new board
414 members are selected or the Governor declares a state of emergency
415 in that school district under subsection (11), whichever occurs
416 first. In such case, the State Board of Education, acting through
417 the interim conservator, shall have all powers which were held by
418 the previously existing school board, and may take such action as
419 prescribed in Section 37-17-13 and/or one or more of the actions
420 authorized in this section.

421 (16) (a) If the State Board of Education declares a state
422 of emergency in a school district, the State Board of Education
423 may take all actions pertaining to that school district as
424 authorized under subsection (11) or (14) of this section,
425 including the appointment of an interim conservator. The State

426 Board of Education also may issue a written request with
427 documentation to the Governor asking that the office of the
428 superintendent of the school district be subject to recall. If
429 the Governor declares that the office of the superintendent of the
430 school district is subject to recall, the local school board or
431 the county election commission, as the case may be, shall take the
432 following action:

433 (i) If the office of superintendent is an elected
434 office, in those years in which there is no general election, the
435 name shall be submitted by the State Board of Education to the
436 county election commission, and the county election commission
437 shall submit the question at a special election to the voters
438 eligible to vote for the office of superintendent within the
439 county. The special election must be held within sixty (60) days
440 of receipt of notification from the State Board of Education. The
441 ballot shall read substantially as follows:

442 "Shall County Superintendent of Education _____ (here the
443 name of the superintendent shall be inserted) of the _____
444 (here the title of the school district shall be inserted) be
445 retained in office? Yes _____ No _____"

446 If a majority of those voting on the question votes "No" on
447 the question, a vacancy shall exist which shall be filled in the
448 manner provided by law; otherwise, the superintendent shall remain
449 in office for the term of office. At the expiration of the term,
450 the superintendent shall be eligible for qualification and
451 election to another term or terms.

452 (ii) If the office of superintendent is an
453 appointive office, the name of the superintendent shall be
454 submitted by the president of the local school board, at the next
455 regular meeting of the school board, for retention in office or
456 dismissal from office. If a majority of the school board voting
457 on the question vote against retaining the superintendent in
458 office, a vacancy shall exist which shall be filled as provided by

459 law; otherwise, the superintendent shall remain in office for the
460 duration of his employment contract.

461 (b) The State Board of Education may issue a written
462 request with documentation to the Governor asking that the
463 membership of the school board of the school district be subject
464 to recall. If the Governor declares that the membership of the
465 school board is subject to recall, the county election commission
466 or the local governing authorities, as the case may be, shall take
467 the following action:

468 (i) If the members of the local school board are
469 elected to office, in those years in which a member's office is
470 not up for election, the name of that school board member shall be
471 submitted by the State Board of Education to the county election
472 commission, and the county election commission shall submit the
473 question at a special election to the voters eligible to vote for
474 the particular member's office within the county or school
475 district, as the case may be. The special election must be held
476 within sixty (60) days of receipt of notification from the State
477 Board of Education. The ballot shall read substantially as
478 follows:

479 "Members of the _____ (here the title of the school
480 district shall be inserted) School Board who are not up for
481 election this year are subject to recall because of the school
482 district's failure to meet critical accountability standards as
483 defined in the letter of notification to the Governor from the
484 State Board of Education. Shall the member of the school board
485 representing this area, _____ (here the name of the school
486 board member holding the office shall be inserted), be retained in
487 office? Yes _____ No _____"

488 If a majority of those voting on the question vote "No" on the
489 question, a vacancy in that board member's office shall exist
490 which shall be filled in the manner provided by law; otherwise,
491 the school board member shall remain in office for the term of

492 such office. At the expiration of the term of office, the member
493 shall be eligible for qualification and election to another term
494 or terms of office. However, if a majority of the school board
495 members are recalled in the special election, the Governor shall
496 authorize the board of supervisors of the county in which the
497 school district is situated to appoint members to fill the offices
498 of the members recalled. The board of supervisors shall make the
499 appointments in the manner provided by law for filling vacancies
500 on the school board, and the appointed members shall serve until
501 the office is filled at the next regular special election or
502 general election.

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

515 (iii) If the local school board is comprised of
516 both elected and appointed members, the elected members shall be
517 subject to recall in the manner provided in paragraph (i) of this
518 subsection, and the appointed members shall be subject to recall
519 in the manner provided in paragraph (ii).

520 (17) * * * The State Board of Education, acting through the
521 Commission on School Accreditation, shall require each school
522 district to comply with standards established by the State
523 Department of Audit for the verification of fixed assets and the

524 auditing of fixed assets records as a minimum requirement for
525 accreditation.

526 (18) * * * The State Board of Education shall recommend a
527 program to the Education Committees of the House of
528 Representatives and the Senate for identifying and rewarding
529 public schools that improve or are high performing. The program
530 shall * * * include criteria and a process through which improving
531 schools and high-performing schools will be identified and
532 rewarded.

533 The State Superintendent of Education and the State Board of
534 Education also shall develop a comprehensive accountability plan
535 to ensure that local school boards, superintendents, principals
536 and teachers are held accountable for student achievement. * * *

537 (19) Before January 1, 2008, the State Board of Education
538 shall evaluate and submit a recommendation to the Education
539 Committees of the House of Representatives and the Senate on the
540 inclusion of graduation rates and dropout rates in the school
541 level accountability system.

542 **SECTION 2.** Section 37-18-7, Mississippi Code of 1972, is
543 amended as follows:

544 37-18-7. (1) As part of the school improvement plan for a
545 Priority School, a professional development plan shall be prepared
546 for those school administrators, teachers or other employees who
547 are identified by the evaluation team as needing improvement. The
548 State Department of Education shall assist the Priority School in
549 identifying funds necessary to fully implement the school
550 improvement plan.

551 (2) (a) If a principal is deemed to be in need of
552 improvement by the evaluation team, a professional development
553 plan shall be developed for the principal, and the principal's
554 full participation in the professional development plan shall be a
555 condition of continued employment. The plan shall provide
556 professional training in the roles and behaviors of an

557 instructional leader and shall offer training specifically
558 identified for that principal's needs. The principal of a
559 Priority School may be assigned mentors who have demonstrated
560 expertise as an exemplary-performing principal. Mentors shall
561 make a personal time commitment to this process and may not be
562 evaluators of the principals being mentored. The local school
563 administration shall continue to monitor and evaluate all school
564 personnel during this period, evaluate their professional
565 development plans and make personnel decisions as appropriate.

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

576 (3) (a) If a teacher is deemed to be in need of
577 professional development by the independent evaluation team, that
578 teacher shall be required to participate in a professional
579 development plan. This plan will provide professional training
580 and will be based on each teacher's specific needs and teaching
581 assignments. The teacher's full participation in the professional
582 development plan shall be required. This process shall be
583 followed by a performance-based evaluation, which shall monitor
584 the teacher's teaching skills and teaching behavior over a period
585 of time. This monitoring shall include announced and unannounced
586 reviews. Additionally, the teacher also may be assigned a mentor
587 who has demonstrated expertise as a high-performing teacher.

588 (b) If, after one (1) year, the teacher fails to
589 perform, the local school administration shall reevaluate the

590 teacher's professional development plan, make any necessary
591 adjustments to it, and require his participation in the plan for a
592 second year.

593 (c) If, after the second year, the teacher fails to
594 perform, the administration shall recommend and the local school
595 shall dismiss the teacher in a manner consistent with Section
596 37-9-59.

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

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

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

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

615 (c) If a school continues to be designated a Priority
616 School after three (3) years of implementing a school improvement
617 plan the State Board of Education shall, or if more than fifty
618 percent (50%) of the schools within the school district are
619 designated as Priority Schools in any one (1) year the State Board
620 of Education may, issue a written request with documentation to
621 the Governor asking that the office of the superintendent of such
622 school district be subject to recall. Whenever the Governor

623 declares that the office of the superintendent of such school
624 district is subject to recall, the local school board or the
625 county election commission, as the case may be, shall take the
626 following action:

627 (i) If the office of superintendent is an elected
628 office, in those years in which there is no general election, the
629 name shall be submitted by the State Board of Education to the
630 county election commission * * *, and the county election
631 commission shall submit the question at a special election to the
632 voters eligible to vote for the office of superintendent within
633 the county. The special elections must be held within sixty (60)
634 days of receipt of the notification from the State Board of
635 Education. The ballot shall read substantially as follows:

636 "Shall County Superintendent of Education _____
637 (here the name of the superintendent shall be inserted) of the
638 _____ (here the title of the school district shall be
639 inserted) be retained in office? Yes _____ No _____"

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

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

655 (5) In the event a school continues to be designated a
656 Priority School after three (3) years of implementing a school
657 improvement plan the State Board of Education shall, or in the
658 event that more than fifty percent (50%) of the schools within the
659 school district are designated as Priority Schools in any one (1)
660 year the State Board of Education may, issue a written request
661 with documentation to the Governor that the membership of the
662 school board of such school district shall be subject to recall.
663 Whenever the Governor declares that the membership of the school
664 board shall be subject to recall, the county election commission
665 or the local governing authorities, as the case may be, shall take
666 the following action:

667 (a) If the members of the local school board are
668 elected to office, in those years in which the specific member's
669 office is not up for election, the name of the school board member
670 shall be submitted by the State Board of Education to the county
671 election commission * * *, and the county election commission, at
672 a special election, shall submit the question to the voters
673 eligible to vote for the particular member's office within the
674 county or school district, as the case may be. The special
675 election must be held within sixty (60) days after receipt of the
676 notification from the State Board of Education. The ballot shall
677 read substantially as follows:

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

685 If a majority of those voting on the question vote against
686 retaining the member of the school board in office, a vacancy in
687 that board member's office shall exist which shall be filled in

688 the manner provided by law; otherwise, the school board member
689 shall remain in office for the term of such office, and at the
690 expiration of the term of office, the member shall be eligible for
691 qualification and election to another term or terms of office.
692 However, if a majority of the school board members are recalled in
693 the regular special election, the Governor shall authorize the
694 board of supervisors of the county in which the school district is
695 situated to appoint members to fill the offices of the members
696 recalled. The board of supervisors shall make such appointments
697 in the manner provided by law for filling vacancies on the school
698 board, and the appointed members shall serve until the office is
699 filled at the next regular special election or general election.

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

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

716 (6) In the event a school continues to be designated a
717 Priority School after three (3) years of implementing a school
718 improvement plan, or in the event that more than fifty percent
719 (50%) of the schools within the school district are designated as
720 Priority Schools in any one (1) year, the State Board of Education

721 may request that the Governor declare a state of emergency in that
722 school district. Upon the declaration of the state of emergency
723 by the Governor, the State Board of Education may take all such
724 action for dealing with school districts as is authorized under
725 subsection (11) or (14) of Section 37-17-6, including the
726 appointment of an interim conservator.

727 (7) The State Department of Education shall make a
728 semiannual report to the State Board of Education identifying the
729 number and names of schools classified as Priority Schools, which
730 shall include a description of the deficiencies identified and the
731 actions recommended and implemented. The department shall also
732 notify the State Board of Education of any Priority School which
733 has successfully completed their improvement plans and shall
734 notify the Governor and the Legislature of such school's progress.

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

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

750 (a) An itemized accounting of the use of state funds to
751 provide technical, legal and financial assistance to each Priority
752 School, and to such schools which had been designated as Priority
753 Schools within the previous three (3) years, if such schools

754 received such assistance at any time during the previous three (3)
755 years;

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

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

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

764 (e) An assessment of what further actions need to be
765 undertaken to address these problems, if such problems have not
766 been entirely alleviated; and

767 (f) An assessment of the impact which Laws, 1999,
768 Chapter 421, and Laws, 2000, Chapter 610 are having on the
769 educational goals which these statutes sought to address.

770 **SECTION 3.** Section 37-17-13, Mississippi Code of 1972, is
771 amended as follows:

772 37-17-13. (1) Whenever the Governor declares a state of
773 emergency in a school district in response to a certification by
774 the State Board of Education and the Commission on School
775 Accreditation made under Section 37-17-6(11)(b), the State Board
776 of Education, in addition to any actions taken under Section
777 37-17-6, may abolish the school district and assume control and
778 administration of the schools formerly constituting the district,
779 and appoint a conservator to carry out this purpose under the
780 direction of the State Board of Education. In such case, the
781 State Board of Education shall have all powers which were held by
782 the previously existing school board, and the previously existing
783 superintendent of schools or county superintendent of education,
784 including, but not limited to, those enumerated in Section
785 37-7-301, and the authority to request tax levies from the
786 appropriate governing authorities for the support of the schools

787 and to receive and expend the tax funds as provided by Section
788 37-57-1 et seq., and Section 37-57-105 et seq.

789 (2) When a school district is abolished under this section,
790 loans from the School District Emergency Assistance Fund may be
791 made by the State Board of Education for the use and benefit of
792 the schools formerly constituting the district in accordance with
793 the procedures set forth in Section 37-17-6(14) for such loans to
794 the district. The abolition of a school district under this
795 section shall not impair or release the property of that school
796 district from liability for the payment of the loan indebtedness,
797 and it shall be the duty of the appropriate governing authorities
798 to levy taxes on the property of the district so abolished from
799 year to year according to the terms of the indebtedness until same
800 shall be fully paid.

801 (3) After a school district is abolished under this section,
802 at such time as the State Board of Education determines that the
803 impairments have been substantially corrected, the State Board of
804 Education shall reconstitute, reorganize or change or alter the
805 boundaries of the previously existing district; however, no
806 partition or assignment of territory formerly included in the
807 abolished district to one or more other school districts may be
808 made by the State Board of Education without the consent of the
809 school board of the school district to which such territory is to
810 be transferred, such consent to be spread upon its minutes. At
811 that time, the State Board of Education, in appropriate cases,
812 shall notify the appropriate governing authority or authorities of
813 its action and request them to provide for the election or
814 appointment of school board members and a superintendent or
815 superintendents to govern the district or districts affected, in
816 the manner provided by law.

817 **SECTION 4.** The Attorney General of the State of Mississippi
818 shall submit this act, immediately upon approval by the Governor,
819 or upon approval by the Legislature subsequent to a veto, to the

820 Attorney General of the United States or to the United States
821 District Court for the District of Columbia in accordance with the
822 provisions of the Voting Rights Act of 1965, as amended and
823 extended.

824 **SECTION 5.** This act shall take effect and be in force from
825 and after July 1, 2007, or the date it is effectuated under
826 Section 5 of the Voting Rights Act of 1965, as amended and
827 extended, whichever is later.