

By: Representative Brown

To: Education

HOUSE BILL NO. 1463  
(As Passed the House)

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	1/2 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 The State Board of Education shall develop a protocol that  
398 will outline the performance standards and requisite time line  
399 deemed necessary for extreme emergency measures. If the State  
400 Board of Education determines that an extreme emergency exists,  
401 simultaneous with the powers exercised in this subsection, it  
402 shall take immediate action against all parties responsible for  
403 the affected school districts having been determined to be in an  
404 extreme emergency. Such action shall include, but not be limited  
405 to, initiating civil actions to recover funds and criminal actions  
406 to account for criminal activity. Any funds recovered by the  
407 State Auditor or the State Board of Education from the surety  
408 bonds of school officials or from any civil action brought under  
409 this subsection shall be applied toward the repayment of any loan  
410 made to a school district hereunder.

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

423 (16) (a) If the Governor declares a state of emergency in a  
424 school district, the State Board of Education may take all actions  
425 pertaining to that school district as authorized under subsection

426 (11) or (14) of this section, including the appointment of an  
427 interim conservator. The State Board of Education also may issue  
428 a written request with documentation to the Governor asking that  
429 the office of the superintendent of the school district be subject  
430 to recall. If the Governor declares that the office of the  
431 superintendent of the school district is subject to recall, the  
432 local school board or the county election commission, as the case  
433 may be, shall take the following action:

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

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

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

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

459 office, a vacancy shall exist which shall be filled as provided by  
460 law; otherwise, the superintendent shall remain in office for the  
461 duration of his employment contract.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

594 (c) If, after the second year, the teacher fails to  
595 perform, the administration shall recommend and the local school  
596 shall dismiss the teacher in a manner consistent with Section  
597 37-9-59.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



788 and to receive and expend the tax funds as provided by Section  
789 37-57-1 et seq., and Section 37-57-105 et seq.

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

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

818 **SECTION 4.** If any section of this act is declared to be  
819 unconstitutional or void, or for any reason is declared to be

820 invalid or of no effect, the remaining sections shall be in no  
821 matter affected thereby but shall remain in full force and effect.

822         **SECTION 5.** The Attorney General of the State of Mississippi  
823 shall submit this act, immediately upon approval by the Governor,  
824 or upon approval by the Legislature subsequent to a veto, to the  
825 Attorney General of the United States or to the United States  
826 District Court for the District of Columbia in accordance with the  
827 provisions of the Voting Rights Act of 1965, as amended and  
828 extended.

829         **SECTION 6.** This act shall take effect and be in force from  
830 and after July 1, 2007, or the date it is effectuated under  
831 Section 5 of the Voting Rights Act of 1965, as amended and  
832 extended, whichever is later.