

By: Senator(s) Chaney

To: Education

SENATE BILL NO. 2960
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 37-17-6, 37-17-13 AND 37-18-7,
2 MISSISSIPPI CODE OF 1972, TO REVISE AND CLARIFY SANCTIONS
3 APPLICABLE TO SCHOOLS AND SCHOOL DISTRICTS WHICH ARE UNDER
4 CONSERVATORSHIP DUE TO A DECLARATION OF AN EMERGENCY OR A
5 DESIGNATION AS A PRIORITY SCHOOL; TO CLARIFY THAT THE STATE BOARD
6 OF EDUCATION MAY, IN ITS DISCRETION, ABOLISH AND ASSUME CONTROL OF
7 A SCHOOL DISTRICT; TO PROVIDE THAT SUCH SANCTIONS INCLUDE THE
8 CALLING OF A SPECIAL ELECTION FOR A REFERENDUM ON THE RETENTION OF
9 THE ELECTED SUPERINTENDENT OR ELECTED SCHOOL BOARD MEMBERS IN SUCH
10 SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO REPORT
11 TO THE LEGISLATURE ON THE INCLUSION OF GRADUATION RATE AND DROPOUT
12 RATE IN THE SCHOOL LEVEL ACCOUNTABILITY SYSTEM; TO AUTHORIZE THE
13 STATE BOARD OF EDUCATION TO CONTRACT WITH AN APPROPRIATE PRIVATE
14 ENTITY TO PERFORM MANAGEMENT OVERSIGHT FUNCTIONS FOR SCHOOL
15 DISTRICTS UNDER STATE CONSERVATORSHIP; AND FOR RELATED PURPOSES.

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

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

19 37-17-6. (1) The State Board of Education, acting through
20 the Commission on School Accreditation, shall establish and
21 implement a permanent performance-based accreditation system, and
22 all public elementary and secondary schools shall be accredited
23 under this system.

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

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

33 Number of Students Number of Certified



34	Per School Library	School Librarians
35	0 - 499 Students	½ Full-time Equivalent
36		Certified Librarian
37	500 or More Students	1 Full-time Certified
38		Librarian

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

41 (c) The assignment of such school librarians to the
42 particular schools shall be at the discretion of the local school
43 district. No individual shall be employed as a certified school
44 librarian without appropriate training and certification as a
45 school librarian by the State Department of Education.

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

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

53 (f) Any additional mileage levied to fund school
54 librarians required for accreditation under this subsection shall
55 be included in the tax increase limitation set forth in Sections
56 37-57-105 and 37-57-107 and shall not be deemed a new program for
57 purposes of the limitation.

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

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

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



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

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

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

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

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

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

83 (i) The State Board of Education may, based on a
84 written request that contains specific reasons for requesting a
85 waiver from the school districts affected by Hurricane Katrina of
86 2005, hold harmless school districts from assignment of district
87 and school level accountability ratings for the 2005-2006 school
88 year. The State Board of Education upon finding an extreme
89 hardship in the school district may grant the request. It is the
90 intent of the Legislature that all school districts maintain the
91 highest possible academic standards and instructional programs in
92 all schools as required by law and the State Board of Education.

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



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

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

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

111 (8) Deleted.

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

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

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

129 (b) Notify any applicable school district failing to
130 meet accreditation standards that it is on probation until



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

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

161 (d) Assign department personnel or contract, in its
162 discretion, with the institutions of higher learning or other
163 appropriate private entities with experience in the academic,



164 finance and other operational functions of schools to assist
165 school districts;

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

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

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



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

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

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

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

220 (iii) Assign an interim conservator, or in its
221 discretion, contract with a private entity with experience in the
222 academic, finance and other operational functions of schools and
223 school districts, who will have those powers and duties prescribed
224 in subsection (14) of this section;

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



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

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

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

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

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



262 the conservator has achieved, or failed to achieve, the goals for
263 which the conservator was appointed to guide the local school
264 district.

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

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

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



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

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

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

306 (14) (a) Whenever the Governor declares a state of
307 emergency in a school district in response to a request made under
308 subsection (11) of this section, the State Board of Education, in
309 its discretion, may assign an interim conservator to the school
310 district, or in its discretion, may contract with an appropriate
311 private entity with experience in the academic, finance and other
312 operational functions of schools and school districts, who will be
313 responsible for the administration, management and operation of
314 the school district, including, but not limited to, the following
315 activities:

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

326 (ii) Supervising the day-to-day activities of the
327 district's staff, including reassigning the duties and



328 responsibilities of personnel in a manner which, in the
329 determination of the conservator, will best suit the needs of the
330 district;

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

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

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

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

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

347 (viii) Appointing a parent advisory committee,
348 comprised of parents of students in the school district, which may
349 make recommendations to the conservator concerning the
350 administration, management and operation of the school district.

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



360 withheld from the district's * * * adequate education program
361 funds.

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

367 (b) In order to provide loans to school districts under
368 a state of emergency which have impairments related to a lack of
369 financial resources, the School District Emergency Assistance Fund
370 is created as a special fund in the State Treasury into which
371 monies may be transferred or appropriated by the Legislature from
372 any available public education funds. The maximum amount that may
373 be appropriated or transferred to the School District Emergency
374 Assistance Fund for any one (1) emergency shall be Two Million
375 Dollars (\$2,000,000.00), and the maximum amount that may be
376 appropriated during any fiscal year shall be Three Million Dollars
377 (\$3,000,000.00).

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



393 Board of Education, the State Department of Education, in
394 accordance with rules and regulations established by the State
395 Board of Education, may withhold that district's adequate
396 education program funds in an amount and manner that will
397 effectuate repayment consistent with the terms of the agreement;
398 such funds withheld by the department shall be deposited into the
399 State General Fund or the Education Enhancement Fund, as the case
400 may be.

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

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



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

427 (16) (a) If the Governor declares a state of emergency in a
428 school district, the State Board of Education may take all such
429 action pertaining to that school district as is authorized under
430 subsection (11) or (14) of Section 37-17-6, including the
431 appointment of an interim conservator. The State Board of
432 Education shall also have the authority to issue a written request
433 with documentation to the Governor asking that the office of the
434 superintendent of such school district be subject to recall. If
435 the Governor declares that the office of the superintendent of
436 such school district is subject to recall, the local school board
437 or the county election commission, as the case may be, shall take
438 the following action:

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

448 "Shall County Superintendent of Education _____ (here the
449 name of the superintendent shall be inserted) of the _____
450 (here the title of the school district shall be inserted) be
451 retained in office? Yes _____ No _____"

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



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

467 (b) The State Board of Education may issue a written
468 request with documentation to the Governor asking that the
469 membership of the school board of such school district shall be
470 subject to recall. Whenever the Governor declares that the
471 membership of the school board is subject to recall, the county
472 election commission or the local governing authorities, as the
473 case may be, shall take the following action:

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

485 "Members of the _____ (here the title of the school
486 district shall be inserted) School Board who are not up for
487 election this year are subject to recall because of the school
488 district's failure to meet critical accountability standards as
489 defined in the letter of notification to the Governor from the
490 State Board of Education. Shall the member of the school board



491 representing this area, _____ (here the name of the school
492 board member holding the office shall be inserted), be retained in
493 office? Yes _____ No _____"

494 If a majority of those voting on the question vote against
495 retaining the member of the school board in office, a vacancy in
496 that board member's office shall exist which shall be filled in
497 the manner provided by law; otherwise, the school board member
498 shall remain in office for the term of such office, and at the
499 expiration of the term of office, the member shall be eligible for
500 qualification and election to another term or terms of office.
501 However, if a majority of the school board members are recalled in
502 the special election, the Governor shall authorize the board of
503 supervisors of the county in which the school district is situated
504 to appoint members to fill the offices of the members recalled.
505 The board of supervisors shall make such appointments in the
506 manner provided by law for filling vacancies on the school board,
507 and the appointed members shall serve until the office is filled
508 at the next regular special election or general election.

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

521 (iii) If the local school board is comprised of
522 both elected and appointed members, the elected members shall be
523 subject to recall in the manner provided in subparagraph (i) of



524 this subsection, and the appointed members shall be subject to
525 recall in the manner provided in subparagraph (ii).

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

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

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

547 (19) Before January 1, 2008, the State Board of Education
548 shall evaluate and submit a recommendation to the Education
549 Committees of the House of Representatives and the Senate on
550 inclusion of graduation rate and dropout rate in the school level
551 accountability system.

552 **SECTION 2.** Section 37-17-13, Mississippi Code of 1972, is
553 amended as follows:

554 37-17-13. (1) Whenever the Governor declares a state of
555 emergency in a school district in response to a certification by
556 the State Board of Education and the Commission on School



557 Accreditation made under Section 37-17-6(11)(b), the State Board
558 of Education, in addition to any actions taken under Section
559 37-17-6, may abolish the school district and assume control and
560 administration of the schools formerly constituting the district,
561 and appoint a conservator to carry out this purpose under the
562 direction of the State Board of Education. In such case, the
563 State Board of Education shall have all powers which were held by
564 the previously existing school board, and the previously existing
565 superintendent of schools or county superintendent of education,
566 including, but not limited to, those enumerated in Section
567 37-7-301, and the authority to request tax levies from the
568 appropriate governing authorities for the support of the schools
569 and to receive and expend the tax funds as provided by Section
570 37-57-1 et seq., and Section 37-57-105 et seq.

571 (2) When a school district is abolished under this section,
572 loans from the School District Emergency Assistance Fund may be
573 made by the State Board of Education for the use and benefit of
574 the schools formerly constituting the district in accordance with
575 the procedures set forth in Section 37-17-6(14) for such loans to
576 the district. The abolition of a school district under this
577 section shall not impair or release the property of that school
578 district from liability for the payment of the loan indebtedness,
579 and it shall be the duty of the appropriate governing authorities
580 to levy taxes on the property of the district so abolished from
581 year to year according to the terms of the indebtedness until same
582 shall be fully paid.

583 (3) After a school district is abolished under this section,
584 at such time as the State Board of Education determines that the
585 impairments have been substantially corrected, the State Board of
586 Education shall reconstitute, reorganize or change or alter the
587 boundaries of the previously existing district; however, no
588 partition or assignment of territory formerly included in the
589 abolished district to one or more other school districts may be



590 made by the State Board of Education without the consent of the
591 school board of the school district to which such territory is to
592 be transferred, such consent to be spread upon its minutes. At
593 that time, the State Board of Education, in appropriate cases,
594 shall notify the appropriate governing authority or authorities of
595 its action and request them to provide for the election or
596 appointment of school board members and a superintendent or
597 superintendents to govern the district or districts affected, in
598 the manner provided by law.

599 **SECTION 3.** Section 37-18-7, Mississippi Code of 1972, is
600 amended as follows:

601 37-18-7. (1) As part of the school improvement plan for a
602 Priority School, a professional development plan shall be prepared
603 for those school administrators, teachers or other employees who
604 are identified by the evaluation team as needing improvement. The
605 State Department of Education shall assist the Priority School in
606 identifying funds necessary to fully implement the school
607 improvement plan.

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



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

633 (3) (a) If a teacher is deemed to be in need of
634 professional development by the independent evaluation team, that
635 teacher shall be required to participate in a professional
636 development plan. This plan will provide professional training
637 and will be based on each teacher's specific needs and teaching
638 assignments. The teacher's full participation in the professional
639 development plan shall be required. This process shall be
640 followed by a performance-based evaluation, which shall monitor
641 the teacher's teaching skills and teaching behavior over a period
642 of time. This monitoring shall include announced and unannounced
643 reviews. Additionally, the teacher also may be assigned a mentor
644 who has demonstrated expertise as a high-performing teacher.

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

650 (c) If, after the second year, the teacher fails to
651 perform, the administration shall recommend and the local school
652 shall dismiss the teacher in a manner consistent with Section
653 37-9-59.

654 (4) (a) If the evaluation report reveals a school district
655 central office problem, a superintendent of the school district



656 having a Priority School shall be required to participate in a
657 professional development plan. Additionally, the superintendent
658 may be assigned mentors who are high-performing superintendents
659 and have demonstrated expertise and knowledge of high-performing
660 schools. The local school board will continue to evaluate the
661 performance of the superintendent and his participation in a
662 professional development plan, making appropriate revisions to the
663 plan as needed.

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

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

668 or

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

672 (c) If a school continues to be designated a Priority
673 School after three (3) years of implementing a school improvement
674 plan the State Board of Education shall, or if more than fifty
675 percent (50%) of the schools within the school district are
676 designated as Priority Schools in any one (1) year the State Board
677 of Education may, issue a written request with documentation to
678 the Governor asking that the office of the superintendent of such
679 school district be subject to recall. Whenever the Governor
680 declares that the office of the superintendent of such school
681 district is subject to recall, the local school board or the
682 county election commission, as the case may be, shall take the
683 following action:

684 (i) If the office of superintendent is an elected
685 office, in those years in which there is no general election, the
686 name shall be submitted by the State Board of Education to the
687 county election commission * * *, and the county election
688 commission shall submit the question at * * * a special election



689 to the voters eligible to vote for the office of superintendent
690 within the county and such special election shall be held within
691 sixty (60) days from notification by the State Board of Education.

692 The ballot shall read substantially as follows:

693 "Shall County Superintendent of Education _____
694 (here the name of the superintendent shall be inserted) of the
695 _____ (here the title of the school district shall be
696 inserted) be retained in office? Yes _____ No _____"

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

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

712 (5) In the event a school continues to be designated a
713 Priority School after three (3) years of implementing a school
714 improvement plan the State Board of Education shall, or in the
715 event that more than fifty percent (50%) of the schools within the
716 school district are designated as Priority Schools in any one (1)
717 year the State Board of Education may, issue a written request
718 with documentation to the Governor that the membership of the
719 school board of such school district shall be subject to recall.
720 Whenever the Governor declares that the membership of the school
721 board shall be subject to recall, the county election commission



722 or the local governing authorities, as the case may be, shall take
723 the following action:

724 (a) If the members of the local school board are
725 elected to office, in those years in which the specific member's
726 office is not up for election, the name of the school board member
727 shall be submitted by the State Board of Education to the county
728 election commission * * *, and the county election commission
729 at * * * a special election shall submit the question to the
730 voters eligible to vote for the particular member's office within
731 the county or school district, as the case may be and such special
732 election shall be held within sixty (60) days from notification by
733 the State Board of Education. The ballot shall read substantially
734 as follows:

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

742 If a majority of those voting on the question vote against
743 retaining the member of the school board in office, a vacancy in
744 that board member's office shall exist which shall be filled in
745 the manner provided by law; otherwise, the school board member
746 shall remain in office for the term of such office, and at the
747 expiration of the term of office, the member shall be eligible for
748 qualification and election to another term or terms of office.
749 However, if a majority of the school board members are recalled in
750 the * * * special election, the Governor shall authorize the board
751 of supervisors of the county in which the school district is
752 situated to appoint members to fill the offices of the members
753 recalled. The board of supervisors shall make such appointments
754 in the manner provided by law for filling vacancies on the school

755 board, and the appointed members shall serve until the office is
756 filled at the next regular special election or general election.

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

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

773 (6) In the event a school continues to be designated a
774 Priority School after three (3) years of implementing a school
775 improvement plan, or in the event that more than fifty percent
776 (50%) of the schools within the school district are designated as
777 Priority Schools in any one (1) year, the State Board of Education
778 may request that the Governor declare a state of emergency in that
779 school district. Upon the declaration of the state of emergency
780 by the Governor, the State Board of Education may take all such
781 action for dealing with school districts as is authorized under
782 subsection (11) or (14) of Section 37-17-6, including the
783 appointment of an interim conservator.

784 (7) The State Department of Education shall make a
785 semiannual report to the State Board of Education identifying the
786 number and names of schools classified as Priority Schools, which
787 shall include a description of the deficiencies identified and the



788 actions recommended and implemented. The department shall also
789 notify the State Board of Education of any Priority School which
790 has successfully completed their improvement plans and shall
791 notify the Governor and the Legislature of such school's progress.

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

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

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

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

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

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



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

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

827 **SECTION 4.** The Attorney General of the State of Mississippi
828 shall submit this act, immediately upon approval by the Governor,
829 or upon approval by the Legislature subsequent to a veto, to the
830 Attorney General of the United States or to the United States
831 District Court for the District of Columbia in accordance with the
832 provisions of the Voting Rights Act of 1965, as amended and
833 extended.

834 **SECTION 5.** This act shall take effect and be in force from
835 and after the date it is effectuated under Section 5 of the Voting
836 Rights Act of 1965, as amended and extended.

