

MISSISSIPPI LEGISLATURE
2009 Regular Session
To: Education; Appropriations
By: Senator(s) Jordan, Jackson (11th)

Senate Bill 2288

(As Sent to Governor)

AN ACT TO CODIFY SECTION 37-152-3, MISSISSIPPI CODE OF 1972, TO CONTINUE THE TASK FORCE TO STUDY AND REPORT ON THE STATUS OF FAILING SCHOOLS AND SCHOOL DISTRICTS IN MISSISSIPPI, EFFECTIVENESS MEASURES FOR IMPROVEMENT OF THOSE SCHOOLS AND SCHOOL DISTRICTS, AND ENHANCEMENT OF ACCOUNTABILITY AND SANCTIONS IMPOSED ON THOSE SCHOOLS AND SCHOOL DISTRICTS; TO DIRECT THE TASK FORCE TO STUDY AND REPORT ON THE ADVANTAGES, DISADVANTAGES AND FEASIBILITY OF SCHOOL DISTRICT CONSOLIDATION IN MISSISSIPPI; TO DIRECT THE TASK FORCE TO STUDY AND REPORT ON THE GOVERNANCE STRUCTURE OF LOCAL SCHOOL BOARDS; TO DIRECT THE TASK FORCE TO STUDY AND REPORT ON THE OPERATION OF ALTERNATIVE SCHOOL PROGRAMS; TO CREATE THE TEEN PREGNANCY TASK FORCE TO STUDY AND MAKE RECOMMENDATION TO THE LEGISLATURE ON THE COORDINATION OF SERVICES TO REDUCE TEEN PREGNANCY AND PROVIDE PRENATAL AND POSTNATAL TRAINING TO EXPECTANT TEEN PARENTS IN MISSISSIPPI; TO DIRECT THE HOUSE AND SENATE EDUCATION COMMITTEES TO STUDY CERTAIN MATTERS RELATING TO DEAF EDUCATION; TO ESTABLISH THE MISSISSIPPI SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION, TO PREPARE FOR AND COMMEMORATE THE SESQUICENTENNIAL OF MISSISSIPPI'S PARTICIPATION IN THE AMERICAN CIVIL WAR; TO PROVIDE FOR THE COMMISSION'S MEMBERSHIP, ORGANIZATION AND RESPONSIBILITIES; TO PROVIDE AN ANNUAL APPROPRIATION FOR THE COMMISSION; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 37-152-3, Mississippi Code of 1972:

37-152-3. (1) It is the intent of the Legislature and the expectation of each community in the state that all children receive a quality public education and attend a school that provides for this opportunity. The Legislature also recognizes that annual performance reports show that a significant number

of schools and school districts consistently underperform and fail to meet the minimum performance measures that define success.

(2) To assist the Legislature in shaping public policy to improve student outcomes and educational opportunities for all students in the state, there is established a task force to study and report on the status of failing schools and school districts in Mississippi, effectiveness measures for improvement of those schools and school districts, and enhancement of accountability and sanctions imposed on those schools and school districts.

(3) The task force shall be composed of the following fifteen (15) members:

(a) The Chairmen of the House and Senate Education Committees;

(b) The Chairmen of the House and Senate Appropriations Committees;

(c) The State Superintendent of Public Education;

(d) The Director of the Office of Educational Accountability, State Department of Education;

(e) A business leader in the state appointed by the Speaker of the House of Representatives from the Third Supreme Court District;

(f) A business leader in the state appointed by the Lieutenant Governor from the First Supreme Court District;

(g) A business leader in the state appointed by the Governor from the Second Supreme Court District;

(h) The Director of the Mississippi Economic Council, or his designee;

(i) The superintendent of a local public school district appointed by the Lieutenant Governor;

(j) A member of a local public school board appointed by the Speaker of the House of Representatives;

(k) A classroom teacher in a public school who has not less than five (5) years' teaching experience in the public schools, appointed by the State Superintendent of Public Education;

(l) A parent of a child who is a student in a public school, appointed by the Governor; and

(m) A representative of the Governor's office.

(4) Appointments to the task force must be made within thirty (30) days after the effective date of this act. Within fifteen (15) days after the expiration of the period for making appointments, on a day to be designated by the State Superintendent of Public Education, the task force shall meet and organize by selecting from its membership a chairman and a vice chairman. The vice chairman also must serve as secretary and be responsible for keeping all records of the task force. A majority of the membership of the task force shall constitute a quorum. In the selection of its officers and the adoption of rules, resolutions and reports, an affirmative vote of a majority of the task force shall be required. All members must be notified in writing of all meetings at least five (5) days

before the date on which a meeting of the task force is scheduled.

(5) The task force may contract for any professional services that it deems necessary to complete its work and may tour at least two (2) failing schools and school districts in the state and two (2) Level 5 schools and school districts in the state. The Legislature shall appropriate sufficient funding to the State Department of Education for the contractual costs and travel associated with attending meetings and for the on-site visits to school districts.

(6) Members of the task force who are not legislators, state officials or state employees shall be compensated at the per diem rate authorized by Section 25-3-69 and reimbursed in accordance with Section 25-3-41 for mileage and actual expenses incurred in the performance of their duties. Legislative members of the task force shall be paid from the contingent expense funds of their respective houses in the same manner as provided for committee meetings when the Legislature is not in session; however, no per diem or expense for attending meetings of the task force may be paid while the Legislature is in session. Task force members may not incur per diem, travel or other expenses unless previously authorized by vote at a meeting of the task force, which action must be recorded in the official minutes of the meeting. Nonlegislative members may be paid from any funds made available to the task force for that purpose.

(7) The task force shall compile data, study and report on the following matters:

(a) The factors used to determine and define both failing and Level 5 schools or school districts;

(b) Current resources and assistance available to both failing and Level 5 schools or school districts;

(c) Identification of additional assistance and resources which are needed in failing schools and school districts;

(d) How effectively failing schools and school districts utilize available assistance and resources;

(e) Current accountability measures and sanctions imposed on failing schools and school districts;

(f) A comparison of how other states across the nation provide assistance and resources and determine accountability measures and sanctions for failing schools and school districts;

(g) Practical and effective accountability measures and sanctions that will foster improvements in a timely manner in failing schools and school districts;

(h) Benchmarks, including academic performance, leadership capacity and financial stability, which must be met for a district to be released from conservatorship; and

(i) Any other issues relating to failing schools and school districts deemed significant by the task force.

(8) In addition, the task force shall hear testimony from experts as well as compile data, study and report on the following matters:

(a) A history of school district consolidation in Mississippi, and a comparison of the history and outcomes of school district consolidation in other states in the nation;

(b) The feasibility of consolidation in Mississippi, including specifically examining parts of the state that may have multiple school districts in the same general area, or in parts of the state that have small or rural local school districts, and evaluating how effectively those school districts are currently using their resources;

(c) The financial impact of school district consolidation on the local school districts and the local economy to include millage rates, bond indebtedness, teacher pay and other issues;

(d) The effect of school district consolidation on student performance, the scope of the curriculum and the quality of instruction;

(e) The impact of school district consolidation on the identity of the school community, including administrators, faculty, staff, parents and students, as well as the larger community;

(f) The effect of school district consolidation on issues relating to school board and superintendent elections;
and

(g) Any other issues relating to school district consolidation deemed significant by the task force.

(9) In addition, the task force shall hear testimony from experts as well as compile data, study and report on the following matters:

(a) The selection and governance structure of local school boards in Mississippi. The purpose of such study is to review current statutory provisions for the selection of school board members and the forms of governance of school boards and to consider optional methods of selection, composition and authority of school boards in Mississippi which may enhance and promote more efficient operations of school systems;

(b) The function of alternative school programs in Mississippi to help at-risk students to successfully re-enter the mainstream school setting through remediation and modified behavioral isolation in a highly structured positive environment:

(i) Review and consider coordinated services and plans and related studies done by or through existing state agencies and advisory, policy or research organizations to increase the accountability of alternative schools;

(ii) Review and consider the referral of students to alternative schools to correct and prevent disparate treatment of students and to ensure that proper procedural protections are in place to provide due process;

(iii) Consider objectives to facilitate appropriate services being provided to alternative schools in every school district;

(iv) Consider compliance with existing legal and policy requirements for individualized instructional plans, curricula addressing cultural and learning style differences, a rigorous workload, minimal noninstructional time, counseling for parents and students, clean, safe and functional facilities and staff with adequate credentials; and

(v) Consider correcting noncompliance by providing authority to the Mississippi Department of Education to create an accessible process by which parents could file complaints regarding denial of services to students that are guaranteed by law;

(c) Any other related issues determined by the task force.

(10) The State Department of Education shall provide appropriate staff to assist the task force with carrying out its duties. Before January 2, 2010, and annually thereafter, the task force shall submit to the Legislature and the Governor a written report of its findings and recommendations on measures to improve underperforming schools and school districts and enhancement of accountability measures and sanctions imposed on underperforming schools and school districts, and the other educational issues assigned under subsections (8) and (9). The task force shall continue in existence and shall conduct a periodic study to monitor and update its recommendations relative to failing school districts and other educational issues under its jurisdiction and make annual reports.

(11) This section shall stand repealed on July 1, 2012.

SECTION 2. (1) There is created the Teen Pregnancy Task Force to study and make recommendation to the Legislature on the coordination of services to reduce teen pregnancy and provide prenatal and postnatal training to expectant teen parents in Mississippi. The task force shall make a report of its findings and recommendations to the Legislature during the 2010 Regular Session.

(2) The task force shall be composed of the following sixteen (16) members:

(a) The Chairmen of the Senate and House Public Health and Welfare Committees, or their designees;

(b) The Chairmen of the Senate and House Education Committees, or their designees;

(c) The Chairman of the House Select Committee on Poverty;

(d) One (1) member of the Senate appointed by the Lieutenant Governor;

(e) The Executive Director of the Department of Human Services, or designee;

(f) The State Health Officer, or designee;

(g) The State Superintendent of Public Education, or designee;

(h) The Executive Director of the Division of Medicaid, or designee;

(i) The Executive Director of the State Department of Mental Health, or designee;

(j) The Vice Chancellor for Health Affairs and Dean of the University of Mississippi Medical Center School of Medicine, or designee;

(k) Two (2) representatives of the private health or social services sector appointed by the Governor;

(l) One (1) representative of the private health or social services sector appointed by the Lieutenant Governor; and

(m) One (1) representative of the private health or social services sector appointed by the Speaker of the House of Representatives.

(3) Appointments shall be made within thirty (30) days after the effective date of this act, and, within fifteen (15) days thereafter on a day to be designated jointly by the Speaker of the House and the Lieutenant Governor, the task force shall meet and organize by selecting from its membership a chairman and a vice chairman. The vice chairman shall also serve as secretary and shall be responsible for keeping all records of the task force. A majority of the members of the task force shall constitute a quorum. In the selection of its officers and the adoption of rules, resolutions and reports, an affirmative vote of a majority of the task force shall be required. All members shall be notified in writing of all meetings, such notices to be mailed at least fifteen (15) days before the date on which a meeting is to be held.

(4) Members of the task force who are not legislators, state officials or state employees shall be compensated at the per diem rate authorized by Section 25-3-69 and shall be

reimbursed in accordance with Section 25-3-41 for mileage and actual expenses incurred in the performance of their duties. Legislative members of the task force shall be paid from the contingent expense funds of their respective houses in the same manner as provided for committee meetings when the Legislature is not in session. However, no per diem or expense for attending meetings of the task force may be paid to legislative members of the task force while the Legislature is in session. No task force member may incur per diem, travel or other expenses unless previously authorized by vote, at a meeting of the task force, which action shall be recorded in the official minutes of the meeting. Nonlegislative members shall be paid from any funds made available to the task force for that purpose.

(5) The task force shall use clerical and legal staff already employed by the Legislature and any other staff assistance made available to it by the Department of Health, the Mississippi Department of Human Services and the Division of Medicaid. To effectuate the purposes of this section, any department, division, board, bureau, commission or agency of the state or of any political subdivision thereof shall, at the request of the chairman of the task force, provide to the task force such facilities, assistance and data as will enable the task force properly to carry out its duties.

(6) In order to carry out the functions and responsibilities necessary to study and make recommendations to the Legislature, the Teen Pregnancy Task Force shall:

(a) Form task force subgroups based on specific areas of expertise;

(b) Review and consider coordinated services and plans and related studies done by or through existing state agencies and advisory, policy or research organizations to reduce teen pregnancy and provide the necessary prenatal and postnatal training to expectant teen parents;

(c) Review and consider statewide and regional planning initiatives related to teen pregnancy;

(d) Consider efforts of stakeholder groups to comply with federal requirements for coordinated planning and service delivery; and

(e) Work through the Department of Health, Mississippi Department of Human Services and the Division of Medicaid to cause any studies, assessments and analyses to be conducted as may be deemed necessary by the task force.

(7) This section shall stand repealed on July 1, 2012.

SECTION 3. The House and Senate Education Chairmen shall appoint three (3) members of their respective committees to form a joint subcommittee to study the following:

(a) The effectiveness of Oral/Auditory programs in teaching spoken language to the deaf so that they may compete and succeed with their hearing peers. The joint subcommittee may hear testimony from experts as well as compile data, study and report on the following:

(i) Review the funding structure by which the state currently operates in funding deaf education;

(ii) Conduct a study of the possibility of success in teaching spoken language before kindergarten if early intervention is properly funded;

(iii) Determine all deaf education program requirements relating to facilities, nutrition services and transportation;

(iv) Prepare a compilation and review of all deaf education services currently provided in Mississippi;

(v) Study any other issues relating to deaf education programs determined to be relevant by the task force;

(vi) Tour each deaf education program offered in the state; and

(vii) Make appropriate findings and recommendations addressing the matters enumerated in this paragraph, including any legislative action that is considered necessary by the joint subcommittee.

(b) In addition, the joint subcommittee may hear testimony from experts as well as compile data, study and report on the following matters: resources and programs that currently support students that have been diagnosed with Autism Spectrum Disorder, the feasibility of implementing Autism Spectrum Disorder classrooms in public school districts throughout the state, and the feasibility of implementing transition services to teenagers and adults that have been diagnosed with Autism Spectrum Disorder.

(c) This section shall stand repealed on July 1, 2012.

SECTION 4. (1) The Mississippi Sesquicentennial of the American Civil War Commission (commission) is hereby established to prepare for and commemorate the Sesquicentennial of Mississippi's participation in the American Civil War (April 1861-April 1865).

(2) The commission shall have a total membership of fifteen (15) members, or their designee, as follows: (a) the Executive Director of the Mississippi Development Authority; (b) the Executive Director of the Mississippi Department of Archives and History; (c) the State Department of Education, or his designee; (d) the Manager of the Bureau of Film and Culture of the Mississippi Development Authority, Division of Tourism; (e) the President/Chairman of the Mississippi Historical Society; (f) the Chairman of the Mississippi Civil War Battlefield Commission; (g) the Director of the Brice's Crossroads Battlefield Commission; (h) the Director of the Vicksburg National Military Park; (i) the Director of the Battle of Shiloh-Battle of Corinth National Military Park; (j) the Director of the Grand Gulf Military Monument; (k) a representative of the Mississippi Tourism Association; (l) the National Park Service Administrator of Ship Island/Fort Massachusetts; (m) a citizen of Mississippi appointed by the Governor; (n) a member of the Mississippi Senate appointed by the Lieutenant Governor who shall serve in an ex officio nonvoting capacity; and (o) a member of the Mississippi House of Representatives appointed by the Speaker who shall serve in an ex officio nonvoting capacity.

(3) Ex officio members and legislative members of the commission shall serve terms coincident with their terms of office. Citizen members shall serve a term of four (4) years. Appointments to fill vacancies other than the expiration of a term shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments and all members may be reappointed.

(4) The commission shall elect a chairman and vice chairman from among its membership. The commission may name five (5) of its members to constitute an executive committee, which shall act for the commission pursuant to its direction.

(5) The commission may appoint and establish an advisory council composed of citizens at large who have knowledge of American Civil War and Mississippi history and interest in its Sesquicentennial celebration, to assist the commission in its work.

(6) A majority of the members of the commission shall constitute a quorum. The meetings of the commission shall be held at the call of the chairman or whenever a majority of the members so request. No recommendation of the commission shall be adopted except by majority vote of the commission.

(7) Nonlegislative members of the commission shall receive no compensation for their services but may receive expense reimbursement and mileage for all reasonable and necessary expenses incurred in the performance of their duties as provided by law. Legislative members of the commission shall receive

compensation applicable to committee meetings when the Legislature is not in session.

(8) The commission shall hire an executive director, and relevant support staff, to guide and support the actions of the commission. Employment shall not extend beyond the date of expiration of the commission and shall be subject to an annual review by the executive committee of the commission.

(9) The commission may solicit, accept, use and dispose of public or nonpublic funds, gifts, grants, donations, bequests or other funds or real or personal property for the purpose of aiding or facilitating the work of the commission. The commission may procure services, enter into contracts, leases or other legal agreements as it may deem necessary to carry out its duties as set forth in this act, but no contract or other legal agreement shall be entered into by the commission that extends beyond the date of expiration of the commission.

(10) The commission shall have the following powers and duties:

(a) Plan, develop and carry out educational, informational, new media/web-based programs and activities appropriate to commemorate the Sesquicentennial of the American Civil War, with emphasis on the military operations which occurred in the State of Mississippi;

(b) Encourage interdisciplinary examination of the American Civil War;

(c) Facilitate activities related to the American Civil War throughout Mississippi;

(d) Encourage civic, historical, educational, economic and other organizations throughout Mississippi to organize and participate in activities to expand the understanding and appreciation of the significance of the American Civil War;

(e) Provide technical and financial assistance to localities and nonprofit organizations to further the commemoration of the Sesquicentennial of the American Civil War;

(f) Develop programs and facilities to ensure that the Sesquicentennial commemoration of the American Civil War results in a positive legacy and long-term public benefit;

(g) Facilitate the development and conduct of programs designed to involve all citizens in activities that commemorate the American Civil War; and

(h) Submit to the Legislature and the Governor an annual report for publication of the work and activity of the commission no later than the first day of each regular session of the Legislature.

(11) The commission shall direct the Mississippi Department of Archives and History to enhance and expand Civil War markers across the state, along with all relevant educational and informational documentation necessary for the creation of a Civil War Trail, in advance of the initial celebration of the Sesquicentennial in Mississippi.

(12) All state agencies and universities shall provide technical assistance to the commission upon request.

(13) This section shall stand repealed on July 1, 2015.

SECTION 5. This act shall take effect and be in force from and after July 1, 2009.