

Community responses to the

Policy and Legislative Recommendations By the Task Force To Study Underperforming Schools and School Districts

Submitted by the following organizations:

**Southern Echo, Jackson, MS;
Nollie Citizens for Quality Education, Holmes County, MS;
Citizens for a Better Greenville, Washington County, MS;
Concerned Citizens for a Better Tunica County; Tunica, MS;
Sunflower County Parents and Students Organization, Indianola, MS;
Activists With A Purpose, Grenada County, MS;
Action Communication and Education Reform, Montgomery County; and
Youth Innovation Movement Solutions, Lee County.**

Please Note that the Task Force recommendations are in black and the Community responses are in blue and set forth beneath each MDE recommendation.

The Task Force on Underperforming Schools and School Districts recommends that:

Accountability

1. The Legislature mandate that each local school district provide an annual report card to inform the public of its most significant data and shall mandate the method in which the report is to be published in the local newspaper. The State Board of Education shall prescribe the contents and timing of the report. Additional in-depth information can be posted on the district's website.
 - Who will be responsible for the annual report? Supt. or Board? This should be defined so that it doesn't fall between the stools.
 - Is there any way that copies of the report card can be provided to each family because many do not get the newspaper and do not have access to the internet?
 - In the report card there needs some accountability regarding parent, student and community engagement AND in order to do that there must some clear, meaningful and identifiable benchmarks which are addressed in the report card.
 - MDE should be responsible for doing an independent assessment of each school district which is then reported in a statewide report card so that school districts can be compared. Based on past experience with self-reporting from local school districts, our concern is whether a process which is exclusively dependent on self-reporting will be sufficiently accurate.
 - When the legislature delegates to the State Board of Education the responsibility to define which data is included in the report card, community groups would like an opportunity to weigh in on what data ought to be included.

2. The State Board of Education define underperforming schools and districts and include the following possible factors in such definition: student assessment data to include both absolute achievement and meeting growth expectation, graduation rate, dropout rate, completion rate, number of emergency teacher certificates, and any other information pertinent to school performance.
 - Additional data that ought to be included are violations of any and all accreditation standards, since these violations impact the quality of education delivered, the performance of students in class and on standardized tests, their promotion from grade to grade, the number of suspensions and expulsions each year, the number of referrals to the Alternative School and to Youth Court each year, the ability of students to graduate on time, their ability to graduate college-ready, their ability to graduate at all, and the factors that contribute to dropping out. The data relating to each of these items should be reported to the public each year.
 - Data should include the number of teachers on emergency certificates who are teaching the core subjects of math, sciences, reading, and language arts.
 - Data should include the number of teachers that each school district needs to meet its educational needs, the actual number of teachers that it has employed, and the resulting shortage, if any, and for each school district identify the number of teachers that are AmeriCorps, Teach for America, or any other similar program.
 - The definition of underperforming school needs to account for parent, student and community engagement based on clear, meaningful and identifiable benchmarks.
3. The Mississippi Department of Education develop a process for early intervention and assistance to a district or school when it is in danger of being designated as underperforming.
 - MDE needs to have the authority to develop standards, benchmarks and indicators that authorize MDE to intervene at these early stages and these are important so that school districts, parents, teachers and community can understand in advance what will authorize the intervention. Each year this information needs to be published by the district in the newspaper and be provided directly to parents, students and community through publications and community workshops.
 - At such time that MDE determines that the data relating to standards, benchmarks and indicators demonstrate that a school district is at risk, then MDE should provide in a timely manner that information to the school district, parents, students and community so that they can be aware that steps need to be taken and can become involved in the process to assist.
4. The Legislature give the Mississippi Department of Education the ability and necessary funding to address school districts that have violated accreditation standards at probation level or school districts that have been defined by the State Board of Education as an at-risk school district due to lack of improvement in

student achievement. Through statute or State Board policy, the Department should:

- Require that school districts meeting either of these criteria implement certain instructional strategies, implement professional development for teachers and leaders, and require building a School Improvement Plan, and
- Monitor implementation of the School Improvement Plan.

Failure of a district to comply with this directive would lead to immediate takeover by the Mississippi Department of Education.

- We agree with this increase in authority to intervene to press school districts to do well, but we think that parameters need to be established regarding timelines for compliance and so forth, to ensure that the school district is clear as to what it has to do and that due process can be secured.
5. The Legislature include the removal of school board members in underperforming school districts in the same manner as superintendents of underperforming districts and schools, as passed in Senate Bill 2149 during the 2008 Regular Session. Such change would recognize that boards act as a single entity, not five individuals. However, an appeals process would allow individuals to appeal the decision, similar to the process outlined for superintendents in Senate Bill 2149.

The right of an elected school board member is individual. We do not subscribe to the practice of “group punishment”. It is a bad model that runs counter to a public policy framework based on the premise that each of us is responsible for the consequences of our conduct. At the same time, an individual, or public official, cannot be guilty of wrongdoing when that person has not done something wrong.

Mississippi Supreme Court decisions are clear on this when it comes to accountability. See, for example, the Hinds County Board of Supervisors decision about twenty years ago that held that only the Supervisors who voted affirmatively for the offending or illegal decision ought to be held liable or responsible for misconduct. The burden of proof as to removal should not be placed on a duly elected board member, but on the removing authority to show cause that any individual to be removed has engaged in the offending conduct or misconduct or failure to act. If there is going to be a right to remove a school board member, there should be clear and reasonable standards and benchmarks to alert a school board member as to what constitutes conduct that will justify removal.

The constitutional right of an elected or appointed school board member to serve in office cannot, or should not, be forfeited **automatically** based on an administrative determination that the school district is “failing”. Our communities fought too long and hard to win the right to vote and to serve as public officials who are put in office by and represent the interests of our communities. The creation of an administrative decision-making process that can

automatically and without a specific showing of personal responsibility for wrong-doing, remove an elected or appointed school board member threatens the integrity of the electoral process and the democratic framework.

School Board members are faced with an especially difficult dilemma. They are expected to protect the district from failing. At the same time, under state law and regulations, all of the powers to oversee the operation of the district are assigned to the Superintendent. Further, state process standards require that the Board members not encroach on the exclusive right of the Superintendent to oversee administration and state sanctions can flow from such encroachment.

School Boards have no mechanism for the removal or sanction of an elected Superintendent who is ineffective or engaged in malfeasance in office. MS statute 37-1-7, which is supposed to empower the State Board of Education to remove a “bad” superintendent, has never been used, and has no identifiable process if an attempt is made to use it. Yet, the proposal is that when a school district is taken over all of the Board members should be removed **automatically** as a matter of law without regard to their actual involvement in the creation of the problems with which the school district is burdened.

There should be a mechanism for removing school board members who do not perform the responsibilities that are assigned to school boards. Any duty of board members should be clearly defined in rules, standards or benchmarks through laws or regulations so that board members will know in advance the actual nature of their obligations, the sanctions for failure to do the job, and the procedures that will be followed when the state seeks to remove an individual board member or members, and the procedures that a board member or members can follow to challenge such removal.

6. The Legislature mandate that the superintendent in a district with one or more underperforming schools must annually complete the 6-hour course entitled “Improving Student Outcomes and Academic Success” with his/her school board members and the superintendent in a district with a serious financial condition must attend the 6-hour course entitled “Effective Financial Management in Local School Districts” with his/her school board members. School board members in these specific districts are already required to complete this training provided by the Mississippi School Boards Association, but the Task Force believes it is important for the superintendent to also participate in the training with board members.
7. The Task Force does not recommend a change to the current requirements for an individual to qualify for the office of school board member, based on the following:
 - No other locally elected official is required to have more educational requirements.

- A survey conducted by the Mississippi School Boards Association in 2007 determined that Mississippi's standards are comparable with the rest of the nation.

Consolidation

The Legislature study the value of school district consolidation, to include cost savings, impact on underperforming schools, and possible incentives that could be made available to districts. The study should also review any needed collaboration of services among districts, such as sharing of teachers who teach critical shortage subjects.

- The study should include those national, regional and rural school district studies that demonstrate that smaller school districts generally, and smaller rural school districts in particular, perform as well or better than large or urban school districts. This data may be counter-intuitive, but it is critical to an accurate understanding of what the actual experience has been.

Funding/Finance

1. The Legislature provide additional contractual dollars to the Mississippi Department of Education for Turnaround/School Improvement Teams that assist districts in an early intervention process.
- These teams need to be representative of the communities they are serving and therefore they should be diverse as to race, class and gender and should be comprised of people who are sensitive to the culture of the communities served. It would be helpful for MDE to consult with the local communities in the process of selecting Team members.

In addition, the legislature should appropriate to MDE state funds that can be provided to local community organizations for the purpose of enabling parents and students to participate at the local school district level in the formation and implementation of education policy, and for training for parents and students regarding their rights and opportunities within the public education system. This should, for example, lead to more effective parent and student participation in the Dropout Prevention, Positive Behavior Intervention Supports, Teacher Support Teams, Title I, and level one school Parent Citizens Advisory Council processes, in which active and meaningful parent and student participation are mandated by state and federal laws and regulations.

2. The Legislature consider a law requiring the state auditor to complete audits on districts every 4 years or name the firm to complete the audit. However, no firm shall audit a district for more than 3 consecutive years.
3. The Legislature establish a revolving building account that districts can borrow against and repay over a five- to seven-year period. The Mississippi Department

of Education should establish controls necessary to ensure proper use of the funds.

- The revolving building fund should be \$150 million in light of the extent of need in low wealth communities.

Principals

The Legislature direct the Mississippi Department of Education to study and define incentives and consequences for principals to improve student performance in underperforming schools.

School Board Members

1. The Legislature include the removal of school board members in underperforming school districts in the same manner as superintendents of underperforming districts and schools, as passed in Senate Bill 2149 during the 2008 Regular Session.

The right of an elected school board member is individual. We do not subscribe to the practice of “group punishment”. It is a bad model that runs counter to a public policy framework based on the premise that each of us is responsible for the consequences of our conduct. At the same time, an individual, or public official, cannot be guilty of wrongdoing when that person has not done something wrong.

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2. The House Apportionment and Elections Committee and the Senate Elections Committee examine the benefits and disadvantages of having those school board members who are elected during the first Saturday of March to be elected during the general election. In addition, these committees should consider requiring a run-off election of a county school board position when a single candidate does not receive a majority of the votes cast.

Superintendents

1. The Legislature mandate the termination of the contract of a superintendent upon takeover of his/her district by the state.
 2. The State Board of Education develop the training and process for requiring and issuing a superintendent’s license. The training could be offered either prior to or following appointment or election to the position, mandating a specific period of time for successful completion of the training.
 3. The Legislature give superintendents complete hiring authority with budget limits set by the local school board.
- This provision would take us from the frying pan into the fire. We are strongly opposed to elimination of the checks and balances of the current system, the effect of which would be to reduce the accountability of the Superintendent to the School Board. The joint responsibility is necessary because some

Superintendents are already dismissive of the Board as having anything to say about the operation of the district.

A parade of “horrible” examples is used to justify this provision in which a superintendent in some district could not employ a qualified teacher because a majority of the board had an inappropriate hidden agenda, such as preference for a less qualified teacher or a personal vendetta against the proposed employee. We do not doubt that such situations occur. However, for every such example we can from personal experience recount numerous situations where elected superintendents have employed, or fought to employ, family, extended family, personal friends and business associates without regard to their actual qualifications, and on many occasions when more qualified personnel were available to be employed, or were already employed and whom the superintendent was seeking to replace with less qualified individuals.

As it is, the superintendent already has the upper hand because only the superintendent can make a recommendation for employment to the board and the board can only vote up or down and must have a valid reason to oppose the recommendation. In this regard, we know of some school districts where superintendents have sought to deny board members background information on proposed employees on the grounds that such information should be of no concern to the Board members because it was the Board’s duty to “rubber stamp” the recommendations of the superintendent.

Checks and balances are the only way to achieve a measure of accountability. Notwithstanding that there may be problems, we should not throw out the baby with the bath water.

This provision would add to the patronage power of elected superintendents, and make it even more difficult to have open elections on the merits of candidate qualifications.

Teachers

1. The Legislature consider final recommendations regarding teacher licensure requirements from the Blue Ribbon Commission on Teacher Preparation established in 2006.
2. The Legislature provide funds to the Mississippi Department of Education to build a National/International Teacher Recruitment effort in Mississippi.
3. The Legislature provide resources to the Mississippi Department of Education to thoroughly evaluate the current Critical Teacher Shortage Act.

Takeover Regulations

The Legislature establish the Mississippi Recovery School District, which will have a superintendent to oversee all local districts under conservatorship and will result in long-term governance. A district under conservatorship should result in abolishing such district and should be temporarily exempt from Education Employment Procedures Law.

- We approve of the effort to generate a Mississippi Recovery School District concept (subject to review of such a provision when it has been formulated), but we strongly oppose any **automatic** abolition of a school district under conservatorship and any **automatic** exemption from Education Employment Procedures Law, without knowing what standards or benchmarks are to be used as thresholds to justify such actions.

We are not opposed to the removal of “bad” or “ineffective” teachers. However, the threat to remove all statutory and constitutional protections from all teachers and other employees once an administrative takeover has been made is a bad model that represents a group punishment for individuals, when all, many or most of whom may have done nothing wrong. When a teacher or other employee is accused of failure to do the job that person still ought to have the right to challenge the accusation and to contest the sanctions sought to be imposed. For example, state education officials have testified that in a recent school takeover they found that some teachers were not making any serious effort to teach and needed to be removed. Removal can be done without eliminating the statutory and constitutional rights of teachers. It may be slower and less efficient than in an autocratic framework where teachers have no rights that an administrator is bound to respect, but employee rights, especially public employees, are fundamental to the American framework of fairness and justice.

Under the existing takeover law the state can declare an emergency and intervene because of financial problems, because of physical safety issues, or when some but not all of the schools in the district are low-performing. For example, a district with 10 schools can be taken over if 6 of the schools are low-performing. Under this provision all of the teachers in the 4 schools that are not low-performing would lose all of their employment protections and due process rights with regard to termination of their employment. In addition, well-performing teachers in the low-performing schools would also lose all of their rights notwithstanding that they did the job they were hired to do.

If there are low-performing teachers in a school that has been taken over – and there are ways to determine this – then termination of employment or other measures taken should be done within the parameters of employment protections. Then the termination of a teacher or other actions taken would be based on standards and the fairness and justice of the process would be preserved.

If employment protections are eliminated when a school district is taken over, how do you expect to attract quality teachers to low-performing high priority at-risk school districts? And when a school district is on the “edge” and needs the best teachers to help save it from takeover, this provision necessarily encourages the best teachers to anticipate their unprotected high risk and seek employment elsewhere on their own terms before the termination axe falls! The answer to this is *not* that if a teacher is good then the teacher has no fear of being fired. There is no guarantee of that when there are no rights available through which to contest a termination.

Everyone is clear that we are paying teachers less than our neighboring states. To also cut back on employee rights is not going to encourage quality teachers to come to Mississippi, and further, to come to the priority, higher-risk schools with critical teacher shortages that need them the most, if you slap them in the face with the specter of termination without regard to their individual performance as teachers. This defies common sense.

Last, but not least, once we embrace the premise that it is more “efficient” to run an underperforming school where employees have no rights, we open the door to the wholesale elimination in all schools of employee rights that we fought so long and hard to create in the first place. We have already seen the effort to do this with regard to some of the other state agencies.

Community Involvement

The Legislature require the establishment of a community-based P-16 (Pre-Kindergarten through higher education) council either by every school district or one per county to provide advice, training and support. The council should represent a broad spectrum of the community, including economic developers, elected officials, civic leaders, business leaders, faith-based leaders, social services, non-profit organizations, school attendance officers, law enforcement officials, health department officials, day care providers, librarians, parents and anyone else with the knowledge and resources that can be leveraged to build stronger P-16 communities. The council should be appointed in a number of ways and should not be appointed solely by the local school board. It would be a community-led group that is inclusive and transparent, learns to make data-driven decisions, has shared accountability for results, and is required to publicly report progress to the community as a whole.

- This concept should include the following:
 - a. There should be public funding to support the work of the council;
 - b. Students should be an integral part of the process, not an afterthought;
 - c. The body should be completely independent of the control of the school district, which means that the selection should be free of control of the superintendent, the board or other school employees;

- d. The school district, including the administration, should be required as a matter of law to provide in a timely manner to the council any and all requests for data that is public record.

Continuation of Task Force

1. The Legislature consider continuing the work of the Task Force in order to monitor underperforming school districts and to continue making recommendations for improvements.
 - We support the continuation of the work of the Task Force, but we think that it ought to be more representative of underperforming school districts and the communities that they serve, including parents, students, school board members and educators from within these districts and communities. Since students in grades K-12 probably would not be in a position to serve because of the need to be in class, college students who recently attended an underperforming school ought to be included because they are in a strong position to contribute to the analysis and proposed remedies.