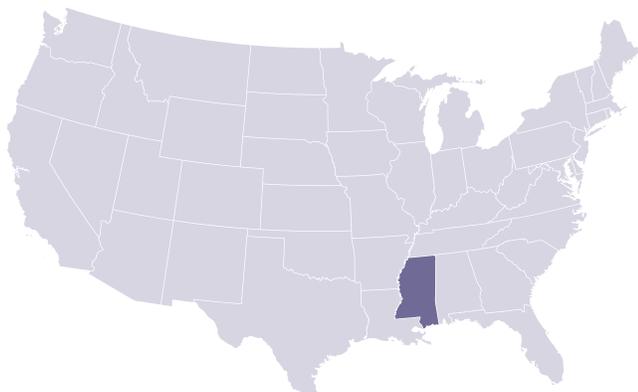




Mississippi

State Policy Brief
December 2014



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Turnaround at WestEd



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A brief prepared by Julie Corbett of Corbett Education Consulting LLC for the Center on School Turnaround at WestEd.

This brief is one in a series highlighting state policies, regulations, practices, laws, or other tools intended to create the necessary conditions for school and/or district turnaround. Each brief includes an overview of the relevant turnaround tool, its development process, its impact, and lessons learned that could assist other education agencies interested in enacting something similar. The set of briefs may include relevant resources, such as the text from state codes, interviews with state education leaders, news articles, state board of education meeting minutes, bill status updates, and legislative amendments.



MISSISSIPPI

Policy Brief on School Turnaround – Mississippi (December 2014)

Mississippi: Children First Act of 2009

I. Overview of Policy

In 2009, the Mississippi state legislature, with broad bipartisan support,¹ enacted the Children First Act of 2009 (Senate Bill 2628). In the years leading up to its passage, the number of Mississippi school districts that were not meeting the education needs of their students had continued to grow, and the legislation reflected a broad-based acknowledgement that drastic changes were needed. Under the new act, the Mississippi Department of Education (MDE) was given unprecedented authority to develop policies, practices, and structures for dealing with chronically low-performing local education agencies (LEAs). Additional provisions were later added to strengthen the bill (see section II).

Key provisions of the Children First Act of 2009 are as follows:

- ◆ The governor may declare an LEA to be in a “state of emergency” due to significant low performance (as determined by MDE), a declaration that opens the door to the following actions:²
 - The State Board of Education may create a conservatorship for a failing district, appointing a conservator who essentially acts as superintendent, assuming all control of the district’s central office and schools, and who reports to MDE.³
 - The LEA’s current school board members and superintendent may be removed, with those removed being ineligible to ever act again for the district in that same capacity.⁴
- ◆ A single statewide Recovery School District, managed by MDE, may be created to oversee, support, and manage all districts under conservatorship.⁵
- ◆ The Education Employment Procedures Law, which governs educators’ tenure, seniority rights, dismissal procedures, and employment rights,⁶ no longer applies to any employee of a district under conservatorship, a change that provides greater flexibility for staffing the district and its schools.⁷

1 Senate–51 yeas, 0 nays, 1 not voting/absent; House–116 yeas, 4 nays, 2 not voting/absent (Senate Bill 2628).

2 The five entry points for a “state of emergency” declaration include: (1) if the LEA jeopardizes the safety or educational interests of its students; (2) if the LEA has been labeled a “failing” district for two consecutive years by MDE; (3) if 50% or more of its schools are labeled “at-risk” in any one year by MDE; (4) if the LEA lacks adequate financial resources; or (5) evidence demonstrates a continued pattern of poor academic performance (Mississippi Department of Education, 2012b).

3 Mississippi Code of 1972, 37-17-6(15.a)

4 Mississippi Code of 1972, 37-17-13(3)

5 Mississippi Code of 1972, 37-117-6(12.g)

6 The Education Employment Procedures Law governs tenure, seniority rights, dismissal procedures, and employment rights (House Bill 527).

7 Mississippi Code of 1972, 37-9-103(2)

II. Development Process

The 2009 bill was based on recommendations from a legislative task force created to develop solutions for the growing number of chronically underperforming LEAs. The bill, presented in January 2009, went through very few rounds of amendments or committee reviews prior to its passage. It was signed by the governor, Haley Barbour, in April 2009.

Subsequent to the bill's passage, MDE drafted and proposed—and the state board of education then approved—several procedural additions and policy changes to further define implementation practices related to the bill and to strengthen the legislation's intent. The changes include the following:

1. Before being put under conservatorship, a low-performing district has its state accreditation withdrawn, which results in (1) significant limitations on its interscholastic activities (including athletics),⁸ (2) the need for the district to create a Corrective Action Plan (CAP), (3) the appointment by MDE of a CAP advisor, and (4) the establishment of academic growth targets to be attained within one year. If growth targets are not reached, the district is put under conservatorship.
2. Once a conservator is appointed by MDE rather than by the state board of education, the school board and superintendent are automatically and immediately removed.
3. An LEA that was previously under conservatorship but made enough progress to have been returned to local control may be abolished in its entirety if its subsequent performance leads to a second “state of emergency” recommendation by MDE.⁹ This particular provision was designed to increase the pressure on districts to make real and substantial improvements in district structures and to sustain long-term student achievement.

III. Impact

Since the bill's passage in 2009, nine chronically low-performing districts have been declared to be in a “state of emergency” with conservators appointed by MDE, and the RSD was launched to manage the districts. The nine districts collectively enroll approximately 17,000 students (3.4% of all Mississippi students). The conservators for these districts have made substantial changes in LEA management and administration and, as a result, some LEAs show promising student achievement results (Mississippi Department of Education, 2013a). At the same time, however, the number of LEAs approaching conservatorship has continued growing. With new LEAs entering conservatorship status and few yet exiting, it is unclear how much capacity the RSD has to manage and monitor changes in a growing number of LEAs, especially since the RSD was designed to provide intensive and differentiated supports to the neediest LEAs.

Under the original Children First Act of 2009, the school boards for LEAs under conservatorship could be, but were not necessarily, removed. Recognizing the pivotal role that local boards can play in perpetuating chronically underperforming schools, the MDE subsequently requested legislative changes to require the immediate removal of board members and the superintendent in these districts. The state legislature made the change, and automatic removal began in 2010. All districts under conservatorship have had their boards and superintendents removed.

⁸ Games or events are decreased by 50% or more of the regular season and may only take place within the district (Mississippi Public School Accountability Standards, 2014. Mississippi Department of Education. Retrieved from [http://www.mde.k12.ms.us/docs/accreditation-library/final2014-mpsas-8-11-14-\(3\).pdf?sfvrsn=2](http://www.mde.k12.ms.us/docs/accreditation-library/final2014-mpsas-8-11-14-(3).pdf?sfvrsn=2)).

⁹ Mississippi Code of 1972, 37-17-6(2.f)

Two districts in the process of being taken over by the MDE filed lawsuits to hold off the conservatorship and resulting entry into the RSD. In one case, the state Supreme Court ruled that it, the court, lacked authority to strike down the governor's executive order declaring the district to be in a "state of emergency" (Davis, 2013). The court refused to hear the second case (Amy, 2013).

Student achievement data for the seven districts and 31 schools that have been part of the RSD for several years and for which data were available show slight improvements. Just over half of the schools demonstrated improvements in student achievement in 2013, as measured by Mississippi's Quality of Distribution Index (QDI), which represents the overall measure of student performance on statewide assessments (Mississippi Department of Education, 2013b). In one year (2012-13), 17 of the 31 schools demonstrated improvements in student achievement, while 14 of the 31 schools demonstrated decreases in student achievement.¹⁰ While individual school results were mixed, five of seven districts demonstrated increased QDI scores, indicating that student achievement is improving in the majority of districts under conservatorship (Mississippi Department of Education, 2013b).

IV. Lessons Learned From Mississippi

The following lessons emerge from the Mississippi experience:

- ◆ Develop an ultimate action or consequence for poor school or district performance that is strong enough to focus attention on the issue and, thus, force leaders to acknowledge the problem and make changes.
- ◆ Be prepared to face legal challenges (Amy, 2013; Davis, 2013).
- ◆ Recognize that real and substantial change is unlikely in local districts that retain existing board members and staff unless there is significant buy-in on their part for reform and, with that buy-in, significant capacity-building.
- ◆ Plan next steps for districts that reform and improve and for those that do not demonstrate any improvement:
 - Define how a state education agency knows when an LEA is ready to exit conservatorship and have its autonomy restored;
 - Develop a plan for LEAs that do not demonstrate growth; and
 - Develop an ultimate action or consequence, such as dissolving a district, for districts that cannot or refuse to make the changes that will result in different adult practices and improved student achievement.

¹⁰ NCLB Accountability reports, 2011-12 and 2012-13. Retrieved from <http://reports.mde.k12.ms.us/data/>

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