

OFFICE OF CHIEF SCHOOL PERFORMANCE OFFICER
Summary of State Board of Education Agenda Items
November 12, 2014

OFFICE OF ACCREDITATION AND ACCOUNTABILITY

08. Approval to establish the accreditation audit procedures that may lead to the declaration of a State of Emergency in accordance with Sections 37-17-6 (12)(a) and 37-17-6 (12)(b) of the *Mississippi Code of 1972*, as amended

(Has cleared the Administrative Procedures Act process with or with no public comments)

On October 14, 2014, the Commission on School Accreditation approved the proposed *Accreditation Audit Procedures* which may lead to a declaration of a State of Emergency in accordance with Sections 37-17-6 (12)(a) and 37-17-6 (12)(b) of the *Mississippi Code of 1972*, as amended.

On October 17, 2014, the State Board of Education granted approval to begin the Administrative Procedures Act process for the accreditation audit procedures.

Recommendation: Approval

Back-up material attached

THE INTENT OF THE MISSISSIPPI DEPARTMENT OF EDUCATION (MDE), AS WELL AS, THE OFFICE OF ACCREDITATION AND ACCOUNTABILITY (OAA) IS TO SUPPORT SCHOOL DISTRICTS IN THEIR EFFORTS TO RESOLVE ACCREDITATION DEFICIENCIES TO AVOID MOVING FORWARD WITH RECOMMENDATIONS TO THE COMMISSION ON SCHOOL ACCREDITATION (CSA) FOR ACTION SUCH AS DOWNGRADING THE DISTRICT'S ACCREDITATION STATUS, WITHDRAWING THE DISTRICT'S ACCREDITATION, OR DECLARING A STATE OF EMERGENCY. DURING THIS PROCESS, THE MDE SHALL REMAIN STEADFAST IN ITS COMMITMENT TO PROTECT THE WELFARE OF STUDENTS IN THE EVENT THAT A DETERMINATION MUST BE MADE THAT AN EXTREME EMERGENCY IS FOUND TO EXIST, OR THAT A DISTRICT'S ACCREDITATION STATUS IS DOWNGRADED OR WITHDRAWN.

Accreditation Audit Procedures

Guidance to accreditation audits is provided in accordance with Accreditation Policy 5.0. The on-site audit is conducted by an audit team of Mississippi Department of Education (MDE) personnel and/or MDE-trained auditors under contract with the Office of Accreditation. Under the direction of an accreditation auditor, this team uses the site visit guidelines, along with checklists, to collect data for each standard set forth in the current edition of the Mississippi Public Schools Accountability Standards. The audit team uses four methods of data collection: **interviews, document analysis, surveys, and observation**. All district superintendents have been provided notebooks that contain the monitoring forms used by every MDE program office. These forms are also accessible on SharePoint at <https://districtaccess.mde.k12.ms.us/Accreditation/Documents/Forms/AllItems.aspx>.

How Districts and Schools Are Selected for On-Site Audits

The State Board of Education (SBE), the State Superintendent of Education, or the Commission on School Accreditation (CSA) has the authority to call for an on-site audit or investigation of a school district at any time in accordance with Accreditation Policy 5.0.

An on-site-audit may also be conducted in a public school district in response to a formal complaint(s). Policy 5.2 of the current edition of the **Mississippi Public School Accountability Standards** states that all formal complaints made against school districts must be submitted in writing and bear the signature of the person or persons filing the complaint. The written complaint should contain specific details concerning alleged violations of accreditation standards. When the complaint(s) is received, it is determined if an on-site investigation is needed. Final decisions are made after conferring with upper level management in MDE.

Procedures for conducting audits are as follows:

1. The team of auditors arrives in the district with or without prior notification. The number of auditors assigned to the team will depend on the nature and seriousness of the allegations.
2. The lead auditor meets with the local district superintendent and informs him or her of the purpose of the audit and the procedures to be followed.
3. The auditors proceed to collect the information needed through examinations/reviews of official records, interviews with school district personnel, and documentation of any observations made.
4. Upon completion of the investigation, the lead auditor compiles a written report that is sent to the local district superintendent, the chair of the local school board, and other MDE officials who request a copy of the report. If serious violations of accreditation standards are found in the district, a copy of the report is also sent to the Commission on School Accreditation.

Summary of On-Site Audit Procedures

Initial Notification of On-Site Audit

At the beginning of the audit, the selected team leader provides the superintendent with a letter of notice from the State Superintendent of Education. The notice includes a request for a space for the auditors to work and a list of documents that will be needed for review. The lead auditor assigned to supervise the audit team also discusses with the superintendent the audit procedures.

Length of On-Site Audit

Based on the number of schools within the district and the number of auditors assigned to the team, the length of the on-site audit will vary.

- a. *Full investigative audits* which may be unannounced, are comprehensive audits of all program areas and are conducted by MDE staff. Typically, a window of approximately 15 working days is allowed to complete the audit.
- b. *Unannounced audits* are conducted primarily by MDE-trained Accreditation Auditors under contract with the Department of Education, who work in the district approximately 3 to 5 days per audit. A limited number of accreditation standards are audited, and depending on the size of the district, this audit may include only a sampling review of schools.
- c. *Special Test Audits* may be unannounced visits that are conducted prior to, during, and following each test administration and also shall include investigations of alleged violations of test security procedures and any other evidence of testing violations.

Audit Team

- a. *Full investigative unannounced audit teams* consist of MDE staff from all MDE program areas and program offices as well as Office of Accreditation auditors. The team will be chaired by the Bureau Manager or Bureau Director from the Office of Accreditation.
- b. *Unannounced audit teams* will consist primarily of MDE-trained Accreditation Auditors under contract with the Department of Education, with possible assistance from MDE staff. The team will be chaired by a MDE contract auditor.
- c. *Special Test Audits* are conducted by MDE staff from program offices within the Department of Education and may also include contractors as agents of MDE.

Procedures for Conducting Interviews

MDE staff may interview any district staff member without authorization from the superintendent or school board. Board members, superintendents, principals and selected district and school personnel will be interviewed. Teachers may be interviewed during their planning periods or whenever available, and will also be given the opportunity to respond through online surveys. While auditors are open to interviews with parents, representatives of businesses, and the community, these interviews are not an established component of the audit procedure.

On-Site Audit Activities

The lead auditor will report to the superintendent's office according to schedule to conduct the initial conference with the superintendent and to provide a list of documents to be reviewed. The team of accreditation auditors will report to the assigned school according to schedule to begin the school level audit.

During the initial conference with the superintendent, the lead auditor will identify all auditors by name and their respective assignments and explain all audit procedures both at the district and school levels.

List of Suggested Documents to Review

In order for the audit to be completed in an efficient manner, the school district is to provide auditors access to all school and district official records. A list of documents such as board policies, board minutes, student handbooks, calendars and school schedules are examples of items included but not limited to those that will be requested at both the district level and the school level.

Reporting and Interpreting On-Site Audit Findings

Exit Conference

Near the completion of the on-site audit, the lead auditor will schedule a time to meet with the superintendent, school board chair, and any other district staff, including principals, to review preliminary audit findings. If the district appears to be noncompliant with one or more standards, reference will be made to the *Mississippi Public Schools Accountability Standards* to review the standards in question. A list of standards in question will be provided to the superintendent and the board chair. The auditor will explain the basis for citing noncompliance. It will also be explained to the superintendent that the list is a preliminary finding and may be amended as the audit is finalized.

Compiling Final Report

Procedures followed when reporting, interpreting, and responding to on-site audit findings are outlined below.

1. Upon completion of the audit, the lead auditor will review all responses and notes taken during the on-site audit. This review enables the lead auditor to determine what documentation is needed in order to correct any cited deficiency, as well as to identify violations of accreditation standards and facilitate improvement.
2. A report of the on-site audit findings including suggestions for corrective action, is compiled within 30 calendar days from the close of the audit. The report, along with a cover letter stating the number of standards that did not meet compliance will be mailed, emailed, or hand-delivered to the district. If the report is hand-delivered, it will be provided to both the superintendent and the school board chair. It will be mailed to all board members on the day it is hand-delivered.
3. The superintendent is given 30 school days (from the day of receipt of the report) to respond in writing to any deficiency cited. The date the district's response is due in the Office of Accreditation is indicated in the report cover letter.
4. During the 30-day period, school district officials are encouraged to schedule a conference with the lead auditor to review the preliminary report. During the conference, district officials are informed of the explanation provided for any standard not met; officials are also given recommendations concerning the appropriate evidence for correcting deficiencies.
5. The district must refute any findings with which it disagrees during the 30-day period. If the district has not challenged the findings in the audit report by the end of the 30-day timeline, the report becomes final and all deficiencies become a part of the district's official Accreditation Record Summary. The district is expected to respond in writing to the findings and corrective actions.
6. The district must clear all deficiencies before district accreditation statuses are assigned in the fall or the district accreditation status will be adversely affected.
7. Depending on the severity and extent of deficiencies, one of the following will take place:
 - No action is taken and the district responds to the Site Visit Findings;
 - A recommendation is made to the Commission to downgrade the district's Accreditation Status to Probation;
 - A recommendation is made to the Commission to withdraw the district's Accreditation; or
 - A recommendation is made to the Commission to determine that an extreme emergency exists in the district.

Recommendation to Downgrade District Accreditation Status to Probation

In accordance with Accreditation Policy 2.5.1, districts in violation of any of the following standards will be presented to the Commission on School Accreditation for action. That action may include downgrading the district's accreditation status to Probation.

- Accreditation Policy 2.1, reporting false information,
- Standard 1.1, failure to implement appropriate standards of governance,
- Standard 1.2, failure to comply with school board policies that meet state and federal statutes, rules, and regulations,
- Standards 4 and 5, failure to comply with financial accountability requirements,
- Standard 14, failure to comply with graduation requirements,

- Standard 16, failure to comply with test security procedures of the Mississippi Statewide Assessment System,
- Standards 17.1-17.8, failure to comply with state/federal regulations, or
- Standards 29, 30, and 31, failure to comply with standards that sustain a safe school climate.

Recommendation to Withdraw District's Accreditation

In accordance with Accreditation Policy 2.5.2, districts in violation of any of the following standards will be presented to the Commission on School Accreditation for action. That action may include withdrawal of the district's accreditation.

- Standard 1.1, failure to implement appropriate standards of governance,
- Standard 1.2, failure to comply with school board policies that meet state and federal statutes, rules, and regulations,
- Standards 4 and 5, failure to comply with financial accountability requirements of a serious nature,
- Standard 14, failure to comply with graduation requirements specified in Standards 14.1, 14.2, and 14.5,
- Standard 16, failure to comply with test security procedures required by the Mississippi Statewide Assessment System in Appendix F, numbers 8 and 9,
- Standards 17.4-17.6, federal programs whose regulations call for strong sanctions for continued patterns of noncompliance, or
- Standards 29, 30, and 31, failure to comply with standards that pose life-threatening conditions for students and staff.

Recommendation to Declare a State of Emergency

In accordance with MS Code 37-17-6(12)(a), after consideration of the results of the hearing to allow the district to present evidence why its accreditation should not be withdrawn, the Commission on School Accreditation shall be authorized, with the approval of the State Board of Education, to withdraw the accreditation of a public school district, and issue a request to the Governor that a state of emergency be declared if:

- Recommendations for corrective action are not taken by the local school district or if the deficiencies are not removed by the end of the probationary period; or
- The school district violates accreditation standards that have been determined by the policies and procedures of the SBE to be a basis for withdrawal of school district's accreditation without a probationary period.

Process of Review

- The Office of Accreditation, with assistance from the MDE legal team, will evaluate the results of the on-site audit and district report to determine if an extreme emergency exists under MS Code 37-17-6(12)(b).
- A full legal review of the finalized report will be conducted by MDE legal team.
- The report and supporting documentation will be presented to MDE's Executive Leadership Team for review and analysis of supporting data.

Extreme Emergency Situation

If the audit team and MDE staff determine that the findings are of such a serious nature that the situation warrants the conditions addressed in MS Code 37-17-6(12)(b), MDE shall make a recommendation to declare a state of emergency to the Commission on School Accreditation.

Based on MS Code 37-17-6(12)(b), the Commission may determine that an extreme emergency exists if any one (1) of the following three (3) conditions are found in a district:

- The safety, security, or educational interests of the children enrolled in that district are jeopardized,
- A school district meets the State Board of Education's definition of a failing school district for two (2) consecutive full school years, or
- If more than 50% of the schools within the district are designated as Schools at Risk in any one year. School at Risk is defined in the Mississippi Public School Accountability Standards as a failing school in any one year.

Commission on School Accreditation Meets to Hear Presentation that Extreme Emergency Exists

Pursuant to Section 37-17-6 (12)(b) of the Mississippi Code of 1972, as amended, the Commission on School Accreditation meets to determine whether there is sufficient cause to consider that an extreme emergency exists in the School District which jeopardizes the safety, security, and educational interests of the children enrolled in the district, or when a school district's impairments include serious failure to meet minimum academic standards, as evidenced by a continued pattern of poor student performance.

The Office of Accreditation, will present evidence to the Commission to support the existence of an extreme emergency in the school district that jeopardizes the safety, security, and educational interests of the children and the belief that the emergency situation is related to a serious violation or violations of accreditation standards or state or federal law or failure to meet academic standards as evidenced by a continued pattern of poor student performance. This presentation shall not exceed 40 minutes.

Following the Office of Accreditation's presentation, District Representative(s) which shall include, but are not limited to, the superintendent and school board chair, will be allowed to address the Commission. While the district may be represented by counsel, only district employees and/or school board members may address the Commission during the 40 minutes total allowed for the district to present evidence pertinent to this matter. This time may not be delegated to anyone else. Following the presentations from the Office of Accreditation and the district, the attorney for the MDE and the attorney for the district (if applicable) will be allowed 10 minutes each to provide closing statements. Following all presentations, the CSA will be allowed to address MDE staff and local district representatives to ask any clarifying questions.

Completion of Process

Based on the evidence presented, the Commission acts on one of the following:

- Accepts the recommendation of MDE and determines that an extreme emergency exists. The Commission submits the resolution to the State Superintendent and the State Board of Education;
- Rejects the recommendation of MDE; or
- Issues an Order to the district and/or MDE.

If the Commission accepts the recommendation of MDE, the State Board of Education (SBE) meets to determine one of the following:

- Accepts the Commission's recommendation and requests the Governor to declare a state of emergency;
- Rejects the Commission's recommendation; or
- Remands the recommendation back to the Commission for further consideration.

If the State Board of Education and the Commission on School Accreditation determine that an extreme emergency situation exists in a school district that jeopardizes the safety, security or educational interests of the children enrolled in the schools in that district and that emergency situation is believed to be related to a serious violation or violations of accreditation standards or state or federal law, the State Board of Education may request the Governor to declare a state of emergency in that school district.

If the Governor declares a state of emergency in a school district, the State Board of Education may:

- Assign an interim conservator, or in its discretion, contract with a private entity with experience in the academic, finance and other operational functions of schools and school districts, or
- Abolish the school district and assume control and administration of the schools formerly constituting the district, and appoint a conservator to carry out this purpose under the direction of the State Board of Education.