

**OFFICE OF EDUCATIONAL ACCOUNTABILITY**  
**Summary of State Board of Education Agenda Items**  
**Consent Agenda**  
**May 26, 2022**

**OFFICE OF PUBLIC REPORTING**

- R.06. Approval to repeal Miss. Admin. Code 7-3: 53 and 53.1, State Board Policy Chapter 53 – New Start School Program Regulations, Rule 53.1 – New Start School Program Regulations  
(Has cleared the Administrative Procedures Act process with no public comment)

Background Information: To repeal Miss. Admin. Code 7-3: 53 and 53.1, State Board Policy Chapter 53 – New Start School Program Regulations, Rule 53.1 – New Start School Program Regulations policy in accordance with Miss. Code Ann. § 25-43-3.114 which requires an agency to review all of its rules at least every five years to determine whether any rule should be repealed, amended, or a new rule adopted.

New Start School Program § 37-167-1

The New Start School Program was established to implement requirements and procedures for school district and schools that were considered failing as determined by Mississippi Department of Education. The New Start School Program was repealed July 1, 2016. Currently, Mississippi implements and administers the Statewide Mississippi Achievement School District § 37-17-17 to address schools or districts determined to be failing for a specified number of years for the purpose of transforming persistently failing public schools and districts throughout the state.

Recommendation: Approval

Back-up material attached

## **Part 3 Chapter 53: New Start School Program Regulations**

### *Rule 53.1 New Start School Program Regulations:*

#### 1. Publication of Notice of Failing School

~~Following receipt of the classification of failing for any school in the district, the local school board of the district in which the failing school is located shall initiate the notice required by Mississippi Code Ann. Section 37-167-1(3)(b) in a suitable newspaper. Publication of the notice will be at the earliest available date following the official release of accountability grades.~~

~~Notice shall substantially comply with Appendix One. The local school board shall bear all costs related to publication of the required notice.~~

~~Following completion of publication, the local school board shall promptly confirm in writing completion of publication to the Deputy Superintendent of Education responsible for the Mississippi Recovery School District (hereinafter in these Regulations “Deputy Superintendent”).~~

#### 2. Notice to Employees of Failing Schools

~~When a school is classified as failing in any school year, the Deputy Superintendent or his/her designee may provide written notice to the principal and each employee that such school may be transformed into a new start school. The notice shall also state that if the school receives a classification of failing for the succeeding school year and transformation into a new start school occurs, the person’s employment with the local school district may be terminated.~~

#### 3. Notice to Superintendent and Board Members

~~If a local school district has one or more schools designated as failing in any school year, the superintendent of that local school district shall be restricted only to travel that is mandated by law or prescribed by the State Department of Education as required by Mississippi Code Ann. Section 37-167-1(7). Additionally, the members of the local school board shall be restricted only to travel that is mandated by law or prescribed by the State Department of Education, and shall have the amount of their per diem and/or yearly rate reduced by half as required by Mississippi Code Ann. Section 37-167-1(8).~~

~~The local school district superintendent shall be responsible for sending financial statements to the Deputy Superintendent or his/her designee monthly to demonstrate that per diem amounts and travel were reduced as required.~~

#### 4. Comprehensive Plan of Improvement

~~If a school that has been classified by the State Department of Education as a failing school in any school year, the Mississippi Recovery School District shall take steps to facilitate the transformation of the failing school into a new start school. However, the school board of the local school district may appeal to the State Board of Education for an additional year by submitting a comprehensive plan of improvement. The State Board of Education may grant a one-year delay if it determines circumstances merit giving the school an additional year to achieve academic improvement. A template will be provided to schools as a guide, but~~

~~additional items may be added to the plan as determined by the local school board. At a minimum, the following items must be included in the comprehensive plan of improvement:~~

- ~~a. The district and school name subject to new start status.~~
- ~~b. Area(s) of needed improvement including a three-year summary of the school's accountability grades.~~
- ~~c. Specific steps needed to implement the improvement changes.~~
- ~~d. Action(s) required to successfully complete the steps.~~
- ~~e. The person responsible for the implementation (contact person) and title.~~
- ~~f. The funding source and overall estimated cost to implement the plan.~~

#### 5. Transformation Plan

~~Upon determining that a new start school must be established, the Deputy Superintendent shall issue a transformation plan for implementing the New Start School Program for the failing school. The transformation plan will be served on the local school board for the school district in which the failing school is located. The local school board, the superintendent of schools, and all others affected by the transformation of the failing school into a new start school shall comply with all requirements of the transformation plan.~~

~~At a minimum, the transformation plan shall include the following:~~

- ~~a. The name of the school subject to transformation into a new start school.~~
- ~~b. The date by which employee evaluations must be submitted by the superintendent of schools to the Mississippi Recovery School District.~~
- ~~c. The effective date by which administration and control of the failing school will be transferred to the Mississippi Recovery School District.~~
- ~~d. Any other provision necessary for transformation of the failing school into a new start school.~~

~~A transformation plan may be amended as may be required to implement the provisions of Mississippi Code Ann. Section 37-167-1 and these regulations.~~

#### 6. Access to School District Resources

~~The Mississippi Recovery School District shall have access to all books, records, files and other items in the possession of the local school district relating to the new start school. This includes, but is not limited to personnel records, student records, property book, bank and other accounts.~~

#### 7. Personnel Selection

~~No person selected by the Deputy Superintendent to be principal of a new start school shall be subject to election and approval for employment by the local school board or the local superintendent until such time as control of such school is transferred to the local school district.~~

~~The Deputy Superintendent shall notify the superintendent of the school district of the person selected to be principal of the new start school, the terms of the contract of employment, and the time within which such contract must be executed.~~

The principal of a new start school shall select and recommend for employment all licensed (certified) and nonlicensed (classified) personnel at the new start school. Each teacher recommended for employment must be approved by the Deputy Superintendent. Any employee of a failing school receiving an unsatisfactory employee evaluation may be terminated by the Mississippi Recovery School District upon the transformation of the former school into a new start school. All employees of a new start school shall be employees of the local school district in which the new start school is located, and shall have all the benefits and privileges of a district employee except as indicated in Miss. Code Ann. Section 37-167-1 and these regulations. However, all such employees shall be under the supervision and direction of the Deputy Superintendent and his/her designated line of supervision.

#### 8. Local School District Support for New Start Schools

No action by the local school board involving the academic, financial, managerial or operational functions of the new start school shall be effective without the approval of the Mississippi Recovery School District. The local school board shall keep the Deputy Superintendent informed of all matters involving the new start school so as to prevent disruption of operations in such school.

#### 9. Students

Students previously enrolled in, in attendance at and residing in the attendance zone of the former school are deemed to be enrolled in the new start school without the necessity of reapplying for enrollment. Students desiring to attend another school in the local school district or in another district may petition the local school board in accordance with applicable law and local school board policy.

Enrollment in and attendance at a new start school shall not limit a student's participation in district extracurricular activities.

#### 10. New Start School Local School District Responsibilities

Once it has been determined that a school is a new start school the following actions must take place:

- a. The local district shall confirm that students who were enrolled in, in attendance at and residing in the attendance zone of the public school before the new start school is instituted shall continue to be enrolled in the new start school. This information will be provided to the Deputy Superintendent or his/her designee on the date specified.
- b. The local superintendent shall evaluate the performance of all licensed (certified) and nonlicensed (classified) employees in schools receiving a classification of Failing (F). The evaluation of such employees shall take priority over the evaluation of employees at other, nonfailing schools in the district. The evaluation of teachers and other appropriate licensed employees shall be conducted using Mississippi Statewide Teacher Rubric (MSTAR).
- c. The local superintendent shall provide the performance evaluations of employees in the new start school with the Deputy Superintendent or his/her designee on the date specified.
- d. Any employee of a failing school who receives an unsatisfactory evaluation may be terminated by the school district in which the school is located.

- e. ~~The Deputy Superintendent or his/her designee shall select a principal for the new start school. This person may or may not be the current principal of the school when the takeover occurs.~~
- f. ~~The principal of the new start school shall be an employee of the district but will report to the Deputy Superintendent or his/her designee. The local school district shall include the principal in meetings that affect the school in which they serve.~~
- g. ~~The principal shall select and recommend for employment all licensed and nonlicensed personnel for the school in the same manner as provided for other schools. All employees must be approved by the Deputy Superintendent or his/her designee. The employees may or may not be employed by the new start principal if the takeover occurs after the school year has begun.~~
- h. ~~All employees of the new start school shall participate in professional development courses. Subject to the approval of the State Board of Education, the local superintendent shall provide professional development for all licensed and nonlicensed employees of the school.~~
- i. ~~The local school district shall fund operations at any new start school within the district at a level sufficient to readily improve performance in such school. Funding shall be allocated on a per pupil basis. The Deputy Superintendent shall determine if funding is sufficient, and may establish a per pupil amount if it is determined that district funding for a new start school is insufficient. The local superintendent will be responsible for working with the Deputy Superintendent or his/her designee and new start principal to provide the necessary support as prescribed.~~
- j. ~~For all extracurricular purposes, any new start school shall remain a member of the local school district. The local superintendent shall be responsible for communicating that all extracurricular activities will be supported by the local district.~~
- k. ~~The local superintendent shall be responsible for all bus routes to and from the new start school as they are with the other schools in the district. The local superintendent shall be responsible for making sure adequate buses and drivers are available for all planned extracurricular activity trips.~~
- l. ~~The local superintendent shall be responsible for providing food service to the new start school as part of the local school district.~~
- m. ~~The local superintendent shall be responsible for providing security at school, or any school event, as provided to any other school in the local district.~~

#### 11. Mississippi Recovery School District

~~The Deputy Superintendent or his/her designee shall inform the principal and employees of the line of supervision for the new start school. The principal and employees of the new start school shall adhere to this line of supervision for all purposes so long as such school remains under the Mississippi Recovery School District. All employee personnel action in a new start school shall be subject to approval by the line of supervision, including, but not limited to:~~

- a. ~~Recommendations and approval of employment;~~
- b. ~~Setting salaries;~~
- c. ~~Transfers and reassignments;~~
- d. ~~Promotions and demotions;~~
- e. ~~Adverse action such as suspensions, dismissal/terminations and nonrenewals.~~

The Deputy Superintendent may establish requirements and standards for employees of a new start school that amend and/or supplement the local district's personnel policies.

12. Noncompliance

Failure to comply with the implementation of the New Start School Program by any local school district will be considered a violation of the relevant provisions of the Mississippi Public School Accountability Standards.

Source: *Miss. Code Ann. §37-167-1, et seq. (Adopted 1/2015)*

**NEW START SCHOOL PROGRAM REGULATIONS**

**APPENDIX ONE**

**NOTICE OF FAILING SCHOOL**

In accordance with Miss. Code Ann. Section 37-167-1, the (INSERT NAME OF SCHOOL BOARD) hereby gives notice to the public that (INSERT NAME OF SCHOOL) has received a classification of FAILING (F) for the 20\_\_-20\_\_ school year.

Any school receiving a classification of FAILING for two (2) consecutive school years shall be transformed into a New Start School under the administration and control of the Mississippi Recovery School District within the Mississippi Department of Education.

\_\_\_\_\_  
NAME OF SCHOOL BOARD PRESIDENT \_\_\_\_\_ DATE

\_\_\_\_\_  
NAME OF SUPERINTENDENT OF SCHOOLS \_\_\_\_\_ DATE

**New Start School  
Comprehensive Plan of Improvement**

**Date:** \_\_\_\_\_ **School:** \_\_\_\_\_ **School District:** \_\_\_\_\_

**Goal(s) and Objective(s):** *Areas of Improvement to be addressed; show evidence of need—i.e., data, as well as goals and objectives associated with those areas.*

**Measurable Outcome:** *What will be accomplished and how will you know the action worked?*

**Specific Steps to implement Action:** *Complete the following chart using one box/row for each step and actions as needed. Add steps and actions as needed.*

<b>Specific Step to implement the action</b>	<b>WHEN</b> (Specific begin/end dates) month/day/year	<b>WHO</b> (Immediate person or group implementing)	<b>FUNDING SOURCE</b> (local, state, federal)
Action:			
Action:			

**WHO:** *Person(s) with overall responsibility to monitor fidelity of implementation*

**OVERALL COST PER STUDENT:**

**OVERALL COST TO THE DISTRICT:**