

By: Senator(s) Chaney, King, White

To: Education;  
Appropriations

SENATE BILL NO. 2274  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE STATE BOARD OF EDUCATION TO CONTRACT WITH AN  
3 APPROPRIATE PRIVATE ENTITY TO PERFORM MANAGEMENT OVERSIGHT  
4 FUNCTIONS FOR SCHOOL DISTRICTS UNDER STATE CONSERVATORSHIP; TO  
5 REVISE SANCTIONS FOR SCHOOL DISTRICTS UNDER CONSERVATORSHIP; TO  
6 CONFORM TO THOSE APPLICABLE TO PRIORITY SCHOOLS; AND FOR RELATED  
7 PURPOSES.

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

9 **SECTION 1.** Section 37-17-6, Mississippi Code of 1972, is amended  
10 as follows:

11 37-17-6. (1) The State Board of Education, acting through  
12 the Commission on School Accreditation, shall establish and  
13 implement a permanent performance-based accreditation system, and  
14 all public elementary and secondary schools shall be accredited  
15 under this system.

16 (2) No later than June 30, 1995, the State Board of  
17 Education, acting through the Commission on School Accreditation,  
18 shall require school districts to provide school classroom space  
19 that is air conditioned as a minimum requirement for  
20 accreditation.

21 (3) (a) Beginning with the 1994-1995 school year, the State  
22 Board of Education, acting through the Commission on School  
23 Accreditation, shall require that school districts employ  
24 certified school librarians according to the following formula:

25	Number of Students	Number of Certified
26	Per School Library	School Librarians
27	0 - 499 Students	1/2 Full-time Equivalent
28		Certified Librarian
29	500 or More Students	1 Full-time Certified

Librarian

(b) The State Board of Education, however, may increase the number of positions beyond the above requirements.

(c) The assignment of such school librarians to the particular schools shall be at the discretion of the local school district. No individual shall be employed as a certified school librarian without appropriate training and certification as a school librarian by the State Department of Education.

(d) School librarians in such district shall spend at least fifty percent (50%) of direct work time in a school library and shall devote no more than one-fourth (1/4) of the workday to administrative activities which are library related.

(e) Nothing in this subsection shall prohibit any school district from employing more certified school librarians than are provided for in this section.

(f) Any additional millage levied to fund school librarians required for accreditation under this subsection shall be included in the tax increase limitation set forth in Sections 37-57-105 and 37-57-107 and shall not be deemed a new program for purposes of the limitation.

(4) On or before December 31, 2002, the State Board of Education shall implement the performance-based accreditation system for school districts and for individual schools which shall include the following:

(a) High expectations for students and high standards for all schools, with a focus on the basic curriculum;

(b) Strong accountability for results with appropriate local flexibility for local implementation;

(c) A process to implement accountability at both the school district level and the school level;

(d) Individual schools shall be held accountable for student growth and performance;

62           (e) Set annual performance standards for each of the  
63 schools of the state and measure the performance of each school  
64 against itself through the standard that has been set for it;

65           (f) A determination of which schools exceed their  
66 standards and a plan for providing recognition and rewards to such  
67 schools;

68           (g) A determination of which schools are failing to  
69 meet their standards and a determination of the appropriate role  
70 of the State Board of Education and the State Department of  
71 Education in providing assistance and initiating possible  
72 intervention; and

73           (h) Development of a comprehensive student assessment  
74 system to implement these requirements.

75           The State Board of Education may continue to assign school  
76 district performance levels by using a number classification and  
77 may assign individual school performance levels by using a number  
78 classification to be consistent with school district performance  
79 levels.

80           (5) Nothing in this section shall be deemed to require a  
81 nonpublic school which receives no local, state or federal funds  
82 for support to become accredited by the State Board of Education.

83           (6) The State Board of Education shall create an  
84 accreditation audit unit under the Commission on School  
85 Accreditation to determine whether schools are complying with  
86 accreditation standards.

87           (7) The State Board of Education shall be specifically  
88 authorized and empowered to withhold adequate minimum education  
89 program or adequate education program fund allocations, whichever  
90 is applicable, to any public school district for failure to timely  
91 report student, school personnel and fiscal data necessary to meet  
92 state and/or federal requirements.

93           (8) Deleted.

94           (9) The State Board of Education shall establish, for those  
95 school districts failing to meet accreditation standards, a  
96 program of development to be complied with in order to receive  
97 state funds, except as otherwise provided in subsection (14) of  
98 this section when the Governor has declared a state of emergency  
99 in a school district or as otherwise provided in Section 206,  
100 Mississippi Constitution of 1890. The state board, in  
101 establishing these standards, shall provide for notice to schools  
102 and sufficient time and aid to enable schools to attempt to meet  
103 these standards, unless procedures under subsection (14) of this  
104 section have been invoked.

105           (10) Beginning July 1, 1998, the State Board of Education  
106 shall be charged with the implementation of the program of  
107 development in each applicable school district as follows:

108                 (a) Develop an impairment report for each district  
109 failing to meet accreditation standards in conjunction with school  
110 district officials;

111                 (b) Notify any applicable school district failing to  
112 meet accreditation standards that it is on probation until  
113 corrective actions are taken or until the deficiencies have been  
114 removed. The local school district shall develop a corrective  
115 action plan to improve its deficiencies. For district academic  
116 deficiencies, the corrective action plan for each such school  
117 district shall be based upon a complete analysis of the following:  
118 student test data, student grades, student attendance reports,  
119 student drop-out data, existence and other relevant data. The  
120 corrective action plan shall describe the specific measures to be  
121 taken by the particular school district and school to improve:

122                 (a) instruction; (b) curriculum; (c) professional development; (d)  
123 personnel and classroom organization; (e) student incentives for  
124 performance; (f) process deficiencies; and (g) reporting to the  
125 local school board, parents and the community. The corrective  
126 action plan shall describe the specific individuals responsible

127 for implementing each component of the recommendation and how each  
128 will be evaluated. All corrective action plans shall be provided  
129 to the State Board of Education as may be required. The decision  
130 of the State Board of Education establishing the probationary  
131 period of time shall be final;

132 (c) Offer, during the probationary period, technical  
133 assistance to the school district in making corrective actions.  
134 Beginning July 1, 1998, subject to the availability of funds, the  
135 State Department of Education shall provide technical and/or  
136 financial assistance to all such school districts in order to  
137 implement each measure identified in that district's corrective  
138 action plan through professional development and on-site  
139 assistance. Each such school district shall apply for and utilize  
140 all available federal funding in order to support its corrective  
141 action plan in addition to state funds made available under this  
142 paragraph;

143 (d) Assign department personnel or contract, in its  
144 discretion, with the institutions of higher learning or other  
145 appropriate private entities with experience in the academic,  
146 finance and other operational functions of schools to assist  
147 school districts;

148 (e) Provide for publication of public notice at least  
149 one (1) time during the probationary period, in a newspaper  
150 published within the jurisdiction of the school district failing  
151 to meet accreditation standards, or if no newspaper is published  
152 therein, then in a newspaper having a general circulation therein.  
153 The publication shall include the following: declaration of  
154 school system's status as being on probation; all details relating  
155 to the impairment report, and other information as the State Board  
156 of Education deems appropriate. Public notices issued under this  
157 section shall be subject to Section 13-3-31 and not contrary to  
158 other laws regarding newspaper publication.

159           (11) (a) If the recommendations for corrective action are  
160 not taken by the local school district or if the deficiencies are  
161 not removed by the end of the probationary period, the Commission  
162 on School Accreditation shall conduct a hearing to allow such  
163 affected school district to present evidence or other reasons why  
164 its accreditation should not be withdrawn. Subsequent to its  
165 consideration of the results of such hearing, the Commission on  
166 School Accreditation shall be authorized, with the approval of the  
167 State Board of Education, to withdraw the accreditation of a  
168 public school district, and issue a request to the Governor that a  
169 state of emergency be declared in that district.

170           (b) If the State Board of Education and the Commission  
171 on School Accreditation determine that an extreme emergency  
172 situation exists in a school district which jeopardizes the  
173 safety, security or educational interests of the children enrolled  
174 in the schools in that district and such emergency situation is  
175 believed to be related to a serious violation or violations of  
176 accreditation standards or state or federal law, the State Board  
177 of Education may request the Governor to declare a state of  
178 emergency in that school district. For purposes of this  
179 paragraph, such declarations of a state of emergency shall not be  
180 limited to those instances when a school district's impairments  
181 are related to a lack of financial resources, but also shall  
182 include serious failure to meet minimum academic standards, as  
183 evidenced by a continued pattern of poor student performance.

184           (c) Whenever the Governor declares a state of emergency  
185 in a school district in response to a request made under paragraph  
186 (a) or (b) of this subsection, the State Board of Education may  
187 take one or more of the following actions:

188           (i) Declare a state of emergency, under which some  
189 or all of state funds can be escrowed except as otherwise provided  
190 in Section 206, Constitution of 1890, until the board determines  
191 corrective actions are being taken or the deficiencies have been

192 removed, or that the needs of students warrant the release of  
193 funds. Such funds may be released from escrow for any program  
194 which the board determines to have been restored to standard even  
195 though the state of emergency may not as yet be terminated for the  
196 district as a whole;

197 (ii) Override any decision of the local school  
198 board or superintendent of education, or both, concerning the  
199 management and operation of the school district, or initiate and  
200 make decisions concerning the management and operation of the  
201 school district;

202 (iii) Assign an interim conservator, or in its  
203 discretion, contract with a private entity with experience in the  
204 academic, finance and other operational functions of schools and  
205 school districts, who will have those powers and duties prescribed  
206 in subsection (14) of this section;

207 (iv) Grant transfers to students who attend this  
208 school district so that they may attend other accredited schools  
209 or districts in a manner which is not in violation of state or  
210 federal law;

211 (v) Issue a written request with documentation to  
212 the Governor asking that the office of the superintendent of such  
213 school district be subject to recall. Whenever the Governor  
214 declares that the office of the superintendent of such school  
215 district is subject to recall, the local school board or the  
216 county election commission, as the case may be, shall take the  
217 following action:

218 1. If the office of superintendent is an  
219 elected office, in those years in which there is no general  
220 election, the name shall be submitted by the State Board of  
221 Education to the county election commission at least sixty (60)  
222 days before the next regular special election, and the county  
223 election commission shall submit the question at the next regular  
224 special election to the voters eligible to vote for the office of

225 superintendent within the county. The ballot shall read  
226 substantially as follows:

227 "Shall county superintendent of education \_\_\_\_\_ (here  
228 the name of the superintendent shall be inserted) of the \_\_\_\_\_  
229 (here the title of the school district shall be inserted) be  
230 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_."

231 If a majority of those voting on the question votes against  
232 retaining the superintendent in office, a vacancy shall exist  
233 which shall be filled in the manner provided by law; otherwise,  
234 the superintendent shall remain in office for the term of such  
235 office, and at the expiration of such term shall be eligible for  
236 qualification and election to another term or terms.

237 2. If the office of superintendent is an  
238 appointive office, the name of the superintendent shall be  
239 submitted by the president of the local school board at the next  
240 regular meeting of the school board for retention in office or  
241 dismissal from office. If a majority of the school board voting  
242 on the question vote against retaining the superintendent in  
243 office, a vacancy shall exist which shall be filled as provided by  
244 law. Otherwise the superintendent shall remain in office for the  
245 duration of his employment contract.

246 (vi) Issue a written request with documentation to  
247 the Governor that the membership of the school board of such  
248 school district shall be subject to recall. Whenever the Governor  
249 declares that the membership of the school board shall be subject  
250 to recall, the county election commission or the local governing  
251 authorities, as the case may be, shall take the following action:

252 1. If the members of the local school board  
253 are elected to office, in those years in which the specific  
254 member's office is not up for election, the name of the school  
255 board member shall be admitted by the State Board of Education to  
256 the county election commission at least sixty (60) days before the  
257 next regular special election, and the county election commission

258 at the next regular special election shall submit the question to  
259 the voters eligible to vote for the particular member's office  
260 within the county or school district, as the case may be. The  
261 ballot shall read substantially as follows:

262 "Members of the \_\_\_\_\_ (here the title of the school  
263 district shall be inserted) School Board who are not up for  
264 election this year are subject to recall because of the Governor's  
265 declaration of an emergency in the school district. Shall the  
266 member of the school board representing this area, \_\_\_\_\_  
267 (here the name of the school board member holding the office shall  
268 be inserted), be retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_."

269 If a majority of those voting on the question vote against  
270 retaining the member of the school board in office, a vacancy in  
271 that board member's office shall exist which shall be filled in  
272 the manner provided by law; otherwise, the school board member  
273 shall remain in office for the term of such office, and at the  
274 expiration of the term of office, the member shall be eligible for  
275 qualification and election to another term or terms of office.  
276 However, if a majority of the school board members are recalled in  
277 the regular special election, the Governor shall authorize the  
278 board of supervisors of the county in which the school district is  
279 situated to appoint members to fill the offices of the members  
280 recalled. The board of supervisors shall make such appointments  
281 in the manner provided by law for filling vacancies on the school  
282 board, and the appointed members shall serve until the office is  
283 filled at the next regular special or general election.

284 2. If the local school board is an appointed  
285 school board, the name of all school board members shall be  
286 submitted as a collective board by the president of the municipal  
287 or county governing authority, as the case may be, at the next  
288 regular meeting of the governing authority for retention in office  
289 or dismissal from office. If a majority of the governing  
290 authority voting on the question vote against retaining the board

291 in office, a vacancy shall exist in each school board member's  
292 office, which shall be filled as provided by law; otherwise, the  
293 members of the appointed school board shall remain in office for  
294 the duration of their term of appointment, and such members may be  
295 reappointed.

296 3. If the local school board is comprised of  
297 both elected and appointed members, the elected members shall be  
298 the subject to recall in the manner provided in item 1 of this  
299 subsection. Appointed members shall be subject to recall in the  
300 manner provided in item 2.

301 (vii) For states of emergency declared under  
302 paragraph (a) only, if the accreditation deficiencies are related  
303 to the fact that the school district is too small, with too few  
304 resources, to meet the required standards and if another school  
305 district is willing to accept those students, abolish that  
306 district and assign that territory to another school district or  
307 districts. If the school district has proposed a voluntary  
308 consolidation with another school district or districts, then if  
309 the State Board of Education finds that it is in the best interest  
310 of the pupils of the district for such consolidation to proceed,  
311 the voluntary consolidation shall have priority over any such  
312 assignment of territory by the State Board of Education;

313 (viii) For states of emergency declared under  
314 paragraph (b) only, reduce local supplements paid to school  
315 district employees, including, but not limited to, instructional  
316 personnel, assistant teachers and extracurricular activities  
317 personnel, if the district's impairment is related to a lack of  
318 financial resources, but only to an extent which will result in  
319 the salaries being comparable to districts similarly situated, as  
320 determined by the State Board of Education;

321 (ix) For states of emergency declared under  
322 paragraph (b) only, the State Board of Education must take such  
323 action as prescribed in Section 37-17-13.

324 (d) At such time as satisfactory corrective action has  
325 been taken in a school district in which a state of emergency has  
326 been declared, the State Board of Education may request the  
327 Governor to declare that the state of emergency no longer exists  
328 in the district.

329 (e) Not later than July 1 of each year, the State  
330 Department of Education shall develop an itemized accounting of  
331 the expenditures associated with the management of the conservator  
332 process with regard to each school district in which a conservator  
333 has been appointed, and an assessment as to the extent to which  
334 the conservator has achieved, or failed to achieve, the goals for  
335 which the conservator was appointed to guide the local school  
336 district.

337 (12) Upon the declaration of a state of emergency in a  
338 school district under subsection (11) of this section, the  
339 Commission on School Accreditation shall be responsible for public  
340 notice at least once a week for at least three (3) consecutive  
341 weeks in a newspaper published within the jurisdiction of the  
342 school district failing to meet accreditation standards, or if no  
343 newspaper is published therein, then in a newspaper having a  
344 general circulation therein. The size of such notice shall be no  
345 smaller than one-fourth (1/4) of a standard newspaper page and  
346 shall be printed in bold print. If a conservator has been  
347 appointed for the school district, such notice shall begin as  
348 follows: "By authority of Section 37-17-6, Mississippi Code of  
349 1972, as amended, adopted by the Mississippi Legislature during  
350 the 1991 Regular Session, this school district (name of school  
351 district) is hereby placed under the jurisdiction of the State  
352 Department of Education acting through its appointed conservator  
353 (name of conservator)."

354 The notice also shall include, in the discretion of the State  
355 Board of Education, any or all details relating to the school  
356 district's emergency status, including the declaration of a state

357 of emergency in the school district and a description of the  
358 district's impairment deficiencies, conditions of any  
359 conservatorship and corrective actions recommended and being  
360 taken. Public notices issued under this section shall be subject  
361 to Section 13-3-31 and not contrary to other laws regarding  
362 newspaper publication.

363 Upon termination of the state of emergency in a school  
364 district, the Commission on School Accreditation shall cause  
365 notice to be published in the school district in the same manner  
366 provided in this section, to include any or all details relating  
367 to the corrective action taken in the school district which  
368 resulted in the termination of the state of emergency.

369 (13) The State Board of Education or the Commission on  
370 School Accreditation shall have the authority to require school  
371 districts to produce the necessary reports, correspondence,  
372 financial statements, and any other documents and information  
373 necessary to fulfill the requirements of this section.

374 Nothing in this section shall be construed to grant any  
375 individual, corporation, board or conservator the authority to  
376 levy taxes except in accordance with presently existing statutory  
377 provisions.

378 (14) (a) Whenever the Governor declares a state of  
379 emergency in a school district in response to a request made under  
380 subsection (11) of this section, the State Board of Education, in  
381 its discretion, may assign an interim conservator to the school  
382 district, or in its discretion, may contract with an appropriate  
383 private entity with experience in the academic, finance and other  
384 operational functions of schools and school districts, who will be  
385 responsible for the administration, management and operation of  
386 the school district, including, but not limited to, the following  
387 activities:

388 (i) Approving or disapproving all financial  
389 obligations of the district, including, but not limited to, the

390 employment, termination, nonrenewal and reassignment of all  
391 certified and noncertified personnel, contractual agreements and  
392 purchase orders, and approving or disapproving all claim dockets  
393 and the issuance of checks; in approving or disapproving  
394 employment contracts of superintendents, assistant superintendents  
395 or principals, the interim conservator shall not be required to  
396 comply with the time limitations prescribed in Sections 37-9-15  
397 and 37-9-105;

398           (ii) Supervising the day-to-day activities of the  
399 district's staff, including reassigning the duties and  
400 responsibilities of personnel in a manner which, in the  
401 determination of the conservator, will best suit the needs of the  
402 district;

403           (iii) Reviewing the district's total financial  
404 obligations and operations and making recommendations to the  
405 district for cost savings, including, but not limited to,  
406 reassigning the duties and responsibilities of staff;

407           (iv) Attending all meetings of the district's  
408 school board and administrative staff;

409           (v) Approving or disapproving all athletic, band  
410 and other extracurricular activities and any matters related to  
411 those activities;

412           (vi) Maintaining a detailed account of  
413 recommendations made to the district and actions taken in response  
414 to those recommendations;

415           (vii) Reporting periodically to the State Board of  
416 Education on the progress or lack of progress being made in the  
417 district to improve the district's impairments during the state of  
418 emergency; and

419           (viii) Appointing a parent advisory committee,  
420 comprised of parents of students in the school district, which may  
421 make recommendations to the conservator concerning the  
422 administration, management and operation of the school district.

423           Except when, in the determination of the State Board of  
424 Education, the school district's impairment is related to a lack  
425 of financial resources, the cost of the salary of the conservator  
426 and any other actual and necessary costs related to the  
427 conservatorship paid by the State Department of Education shall be  
428 reimbursed by the local school district from nonminimum program  
429 funds. The department shall submit an itemized statement to the  
430 superintendent of the local school district for reimbursement  
431 purposes, and any unpaid balance may be withheld from the  
432 district's minimum or adequate education program funds.

433           At such time as the Governor, pursuant to the request of the  
434 State Board of Education, declares that the state of emergency no  
435 longer exists in a school district, the powers and  
436 responsibilities of the interim conservator assigned to such  
437 district shall cease.

438           (b) In order to provide loans to school districts under  
439 a state of emergency which have impairments related to a lack of  
440 financial resources, the School District Emergency Assistance Fund  
441 is created as a special fund in the State Treasury into which  
442 monies may be transferred or appropriated by the Legislature from  
443 any available public education funds. The maximum amount that may  
444 be appropriated or transferred to the School District Emergency  
445 Assistance Fund for any one (1) emergency shall be Two Million  
446 Dollars (\$2,000,000.00), and the maximum amount that may be  
447 appropriated during any fiscal year shall be Three Million Dollars  
448 (\$3,000,000.00).

449           The State Board of Education may loan monies from the School  
450 District Emergency Assistance Fund to a school district that is  
451 under a state of emergency in such amounts, as determined by the  
452 board, which are necessary to correct the district's impairments  
453 related to a lack of financial resources. The loans shall be  
454 evidenced by an agreement between the school district and the  
455 State Board of Education and shall be repayable in principal,

456 without necessity of interest, to the State General Fund or the  
457 Education Enhancement Fund, depending on the source of funding for  
458 such loan, by the school district from any allowable funds that  
459 are available. The total amount loaned to the district shall be  
460 due and payable within five (5) years after the impairments  
461 related to a lack of financial resources are corrected. If a  
462 school district fails to make payments on the loan in accordance  
463 with the terms of the agreement between the district and the State  
464 Board of Education, the State Department of Education, in  
465 accordance with rules and regulations established by the State  
466 Board of Education, may withhold that district's minimum program  
467 funds in an amount and manner that will effectuate repayment  
468 consistent with the terms of the agreement; such funds withheld by  
469 the department shall be deposited into the State General Fund or  
470 the Education Enhancement Fund, as the case may be.

471 If the State Board of Education determines that an extreme  
472 emergency exists, simultaneous with the powers exercised in this  
473 subsection, it shall take immediate action against all parties  
474 responsible for the affected school districts having been  
475 determined to be in an extreme emergency. Such action shall  
476 include, but not be limited to, initiating civil actions to  
477 recover funds and criminal actions to account for criminal  
478 activity. Any funds recovered by the State Auditor or the State  
479 Board of Education from the surety bonds of school officials or  
480 from any civil action brought under this subsection shall be  
481 applied toward the repayment of any loan made to a school district  
482 hereunder.

483 (15) In the event a majority of the membership of the school  
484 board of any school district resigns from office, the State Board  
485 of Education shall be authorized to assign an interim conservator,  
486 who shall be responsible for the administration, management and  
487 operation of the school district until such time as new board  
488 members are selected or the Governor declares a state of emergency

489 in that school district under subsection (11), whichever occurs  
490 first. In such case, the State Board of Education, acting through  
491 the interim conservator, shall have all powers which were held by  
492 the previously existing school board, and may take such action as  
493 prescribed in Section 37-17-13 and/or one or more of the actions  
494 authorized in this section.

495 (16) Beginning with the school district audits conducted for  
496 the 1997-1998 fiscal year, the State Board of Education, acting  
497 through the Commission on School Accreditation, shall require each  
498 school district to comply with standards established by the State  
499 Department of Audit for the verification of fixed assets and the  
500 auditing of fixed assets records as a minimum requirement for  
501 accreditation.

502 (17) Before December 1, 1999, the State Board of Education  
503 shall recommend a program to the Education Committees of the House  
504 of Representatives and the Senate for identifying and rewarding  
505 public schools that improve or are high performing. The program  
506 shall be described by the board in a written report, which shall  
507 include criteria and a process through which improving schools and  
508 high-performing schools will be identified and rewarded.

509 The State Superintendent of Education and the State Board of  
510 Education also shall develop a comprehensive accountability plan  
511 to ensure that local school boards, superintendents, principals  
512 and teachers are held accountable for student achievement. A  
513 written report on the accountability plan shall be submitted to  
514 the Education Committees of both houses of the Legislature before  
515 December 1, 1999, with any necessary legislative recommendations.

516 **SECTION 2.** The Attorney General of the State of Mississippi  
517 shall submit this act, immediately upon approval by the Governor,  
518 or upon approval by the Legislature subsequent to a veto, to the  
519 Attorney General of the United States or to the United States  
520 District Court for the District of Columbia in accordance with the

521 provisions of the Voting Rights Act of 1965, as amended and  
522 extended.

523         **SECTION 3.** This act shall take effect and be in force from  
524 and after the date it is effectuated under Section 5 of the Voting  
525 Rights Act of 1965, as amended and extended.