

By: Representatives Moore, Brown (20th),
Dixon

To: Education

HOUSE BILL NO. 1207

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE STATE BOARD OF EDUCATION TO WITHDRAW A SCHOOL
3 DISTRICT'S ACCREDITATION WITHOUT A PROBATIONARY PERIOD FOR
4 VIOLATIONS OF ACCREDITATION STANDARDS; TO AUTHORIZE THE COMMISSION
5 ON SCHOOL ACCREDITATION TO CONDUCT DUE PROCESS HEARINGS FOR
6 SUBJECT SCHOOL DISTRICTS TO PRESENT EVIDENCE TO REFUTE THE
7 WITHDRAWAL OF THE DISTRICT'S ACCREDITATION; TO PERMIT THE PARENT
8 OR LEGAL GUARDIAN OF A STUDENT WHO IS ENROLLED IN A SCHOOL
9 DISTRICT WHOSE ACCREDITATION HAS BEEN WITHDRAWN TO FILE A PETITION
10 WITH THE SCHOOL DISTRICT FOR A TRANSFER OF THE STUDENT; TO PERMIT
11 THE COMMISSION ON SCHOOL ACCREDITATION TO GRANT TRANSFER IN
12 ACCORDANCE WITH STATE LAW; TO PROVIDE FOR THE TRANSFER OF FUNDS
13 RELATING TO THE COSTS OF EDUCATING THE TRANSFERRING STUDENT; TO
14 PROHIBIT DISTRICTS FROM BEING PLACED IN CONSERVATORSHIP IF A STATE
15 OF EMERGENCY IS DECLARED FOR THE DISTRICT BY THE GOVERNOR; TO
16 REQUIRE SUCH DISTRICTS TO BE ABOLISHED AND ADMINISTRATIVELY
17 CONSOLIDATED WITH A DISTRICT OR DISTRICTS DETERMINED BY THE STATE
18 BOARD OF EDUCATION; AND FOR RELATED PURPOSES.

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

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

22 37-17-6. (1) The State Board of Education, acting through
23 the Commission on School Accreditation, shall establish and
24 implement a permanent performance-based accreditation system, and
25 all public elementary and secondary schools shall be accredited
26 under this system.

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

32 (3) (a) Beginning with the 1994-1995 school year, the State
33 Board of Education, acting through the Commission on School



34 Accreditation, shall require that school districts employ
35 certified school librarians according to the following formula:

36	Number of Students	Number of Certified
37	Per School Library	School Librarians
38	0 - 499 Students	1/2 Full-time Equivalent
39		Certified Librarian
40	500 or More Students	1 Full-time Certified
41		Librarian

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

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

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

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

56 (f) Any additional millage levied to fund school
57 librarians required for accreditation under this subsection shall
58 be included in the tax increase limitation set forth in Sections
59 37-57-105 and 37-57-107 and shall not be deemed a new program for
60 purposes of the limitation.

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

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



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

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

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

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

76 (f) A determination of which schools exceed their
77 standards and a plan for providing recognition and rewards to
78 those schools;

79 (g) A determination of which schools are failing to
80 meet their standards and a determination of the appropriate role
81 of the State Board of Education and the State Department of
82 Education in providing assistance and initiating possible
83 intervention. A failing district is a district that fails to meet
84 both the absolute student achievement standards and the rate of
85 annual growth expectation standards as set by the State Board of
86 Education for two (2) consecutive years. The State Board of
87 Education shall establish the level of benchmarks by which
88 absolute student achievement and growth expectations shall be
89 assessed. In setting the benchmarks for school districts, the
90 State Board of Education may also take into account such factors
91 as graduation rates, dropout rates, completion rates, the extent
92 to which the school or district employs qualified teachers in
93 every classroom, and any other factors deemed appropriate by the
94 State Board of Education;

95 (h) Development of a comprehensive student assessment
96 system to implement these requirements; and

97 (i) The State Board of Education may, based on a
98 written request that contains specific reasons for requesting a
99 waiver from the school districts affected by Hurricane Katrina of



100 2005, hold harmless school districts from assignment of district
101 and school level accountability ratings for the 2005-2006 school
102 year. The State Board of Education upon finding an extreme
103 hardship in the school district may grant the request. It is the
104 intent of the Legislature that all school districts maintain the
105 highest possible academic standards and instructional programs in
106 all schools as required by law and the State Board of Education.

107 The State Board of Education may continue to assign school
108 district performance levels by using a number classification and
109 may assign individual school performance levels by using a number
110 classification to be consistent with school district performance
111 levels.

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

115 (6) The State Board of Education shall create an
116 accreditation audit unit under the Commission on School
117 Accreditation to determine whether schools are complying with
118 accreditation standards.

119 (7) The State Board of Education shall be specifically
120 authorized and empowered to withhold adequate education program
121 fund allocations, whichever is applicable, to any public school
122 district for failure to timely report student, school personnel
123 and fiscal data necessary to meet state and/or federal
124 requirements.

125 (8) Deleted.

126 (9) The State Board of Education shall establish, for those
127 school districts failing to meet accreditation standards, a
128 program of development to be complied with in order to receive
129 state funds, except as otherwise provided in subsection (14) of
130 this section when the Governor has declared a state of emergency
131 in a school district or as otherwise provided in Section 206,
132 Mississippi Constitution of 1890. The state board, in



133 establishing these standards, shall provide for notice to schools
134 and sufficient time and aid to enable schools to attempt to meet
135 these standards, unless procedures under subsection (14) of this
136 section have been invoked.

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

140 (a) Develop an impairment report for each district
141 failing to meet accreditation standards in conjunction with school
142 district officials;

143 (b) Notify any applicable school district failing to
144 meet accreditation standards that it is on probation until
145 corrective actions are taken or until the deficiencies have been
146 removed. The local school district shall develop a corrective
147 action plan to improve its deficiencies. For district academic
148 deficiencies, the corrective action plan for each such school
149 district shall be based upon a complete analysis of the following:
150 student test data, student grades, student attendance reports,
151 student dropout data, existence and other relevant data. The
152 corrective action plan shall describe the specific measures to be
153 taken by the particular school district and school to improve:
154 (i) instruction; (ii) curriculum; (iii) professional development;
155 (iv) personnel and classroom organization; (v) student incentives
156 for performance; (vi) process deficiencies; and (vii) reporting to
157 the local school board, parents and the community. The corrective
158 action plan shall describe the specific individuals responsible
159 for implementing each component of the recommendation and how each
160 will be evaluated. All corrective action plans shall be provided
161 to the State Board of Education as may be required. The decision
162 of the State Board of Education establishing the probationary
163 period of time shall be final;

164 (c) Offer, during the probationary period, technical
165 assistance to the school district in making corrective actions.



166 Beginning July 1, 1998, subject to the availability of funds, the
167 State Department of Education shall provide technical and/or
168 financial assistance to all such school districts in order to
169 implement each measure identified in that district's corrective
170 action plan through professional development and on-site
171 assistance. Each such school district shall apply for and utilize
172 all available federal funding in order to support its corrective
173 action plan in addition to state funds made available under this
174 paragraph;

175 (d) Assign department personnel or contract, in its
176 discretion, with the institutions of higher learning or other
177 appropriate private entities with experience in the academic,
178 finance and other operational functions of schools to assist
179 school districts;

180 (e) Provide for publication of public notice at least
181 one time during the probationary period, in a newspaper published
182 within the jurisdiction of the school district failing to meet
183 accreditation standards, or if no newspaper is published therein,
184 then in a newspaper having a general circulation therein. The
185 publication shall include the following: declaration of school
186 system's status as being on probation; all details relating to the
187 impairment report; and other information as the State Board of
188 Education deems appropriate. Public notices issued under this
189 section shall be subject to Section 13-3-31 and not contrary to
190 other laws regarding newspaper publication.

191 (11) (a) If the recommendations for corrective action are
192 not taken by the local school district or if the deficiencies are
193 not removed by the end of the probationary period, the Commission
194 on School Accreditation shall conduct a hearing to allow the
195 affected school district to present evidence or other reasons why
196 its accreditation should not be withdrawn. Additionally, if the
197 local school district violates accreditation standards that have
198 been determined by the policies and procedures of the State Board



199 of Education to be basis for withdrawal of a school district's
200 accreditation without a probationary period, the Commission on
201 School Accreditation shall conduct a hearing to allow the affected
202 school district to present evidence or other reasons why its
203 accreditation should not be withdrawn. After its consideration of
204 the results of the hearing, the Commission on School Accreditation
205 shall be authorized, with the approval of the State Board of
206 Education, to withdraw the accreditation of a public school
207 district, and issue a request to the Governor that a state of
208 emergency be declared in that district.

209 (b) If the State Board of Education and the Commission
210 on School Accreditation determine that an extreme emergency
211 situation exists in a school district that jeopardizes the safety,
212 security or educational interests of the children enrolled in the
213 schools in that district and that emergency situation is believed
214 to be related to a serious violation or violations of
215 accreditation standards or state or federal law, or when a school
216 district meets the State Board of Education's definition of a
217 failing school district for two (2) consecutive full school years,
218 or if more than fifty percent (50%) of the schools within the
219 school district are designated as Schools At-Risk in any one (1)
220 year, the State Board of Education may request the Governor to
221 declare a state of emergency in that school district. For
222 purposes of this paragraph, the declarations of a state of
223 emergency shall not be limited to those instances when a school
224 district's impairments are related to a lack of financial
225 resources, but also shall include serious failure to meet minimum
226 academic standards, as evidenced by a continued pattern of poor
227 student performance.

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



232 (i) Declare a state of emergency, under which some
233 or all of state funds can be escrowed except as otherwise provided
234 in Section 206, Constitution of 1890, until the board determines
235 corrective actions are being taken or the deficiencies have been
236 removed, or that the needs of students warrant the release of
237 funds. The funds may be released from escrow for any program
238 which the board determines to have been restored to standard even
239 though the state of emergency may not as yet be terminated for the
240 district as a whole;

241 (ii) Override any decision of the local school
242 board or superintendent of education, or both, concerning the
243 management and operation of the school district, or initiate and
244 make decisions concerning the management and operation of the
245 school district;

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

251 (iv) Grant transfers to students who attend this
252 school district so that they may attend other accredited schools
253 or districts in a manner that is not in violation of state or
254 federal law;

255 (v) For states of emergency declared under
256 paragraph (a) only, if the accreditation deficiencies are related
257 to the fact that the school district is too small, with too few
258 resources, to meet the required standards and if another school
259 district is willing to accept those students, abolish that
260 district and assign that territory to another school district or
261 districts. If the school district has proposed a voluntary
262 consolidation with another school district or districts, then if
263 the State Board of Education finds that it is in the best interest
264 of the pupils of the district for the consolidation to proceed,



265 the voluntary consolidation shall have priority over any such
266 assignment of territory by the State Board of Education;

267 (vi) For states of emergency declared under
268 paragraph (b) only, reduce local supplements paid to school
269 district employees, including, but not limited to, instructional
270 personnel, assistant teachers and extracurricular activities
271 personnel, if the district's impairment is related to a lack of
272 financial resources, but only to an extent that will result in the
273 salaries being comparable to districts similarly situated, as
274 determined by the State Board of Education;

275 (vii) For states of emergency declared under
276 paragraph (b) only, the State Board of Education may take any
277 action as prescribed in Section 37-17-13.

278 (d) At the time that satisfactory corrective action has
279 been taken in a school district in which a state of emergency has
280 been declared, the State Board of Education may request the
281 Governor to declare that the state of emergency no longer exists
282 in the district.

283 (e) The parent or legal guardian of a school age child
284 who is enrolled in a school district whose accreditation has been
285 withdrawn by the Commission on School Accreditation and without
286 approval of that school district may file a petition in writing to
287 a school district accredited by the Commission on School
288 Accreditation for a legal transfer. The school district
289 accredited by the Commission on School Accreditation may grant the
290 transfer according to the procedures of Section 37-15-31(1)(b).
291 The per pupil amount of the adequate education program allotment
292 including the collective "add on program" costs for the school
293 district not accredited by the Commission on School Accreditation
294 shall be transferred monthly to the school district accredited by
295 the Commission on School Accreditation that has granted the
296 transfer of the school age child.



297 (f) Upon the declaration of a state of emergency for
298 any school district in which the Governor has previously declared
299 a state of emergency, the State Board of Education shall not
300 establish a conservatorship but shall abolish the school district
301 and administratively consolidate the school district with one or
302 more existing school districts as determined by the State Board of
303 Education.

304 (g) There is established a Mississippi Recovery School
305 District within the State Department of Education under the
306 supervision of a deputy superintendent appointed by the State
307 Superintendent of Public Education, who is subject to the approval
308 by the State Board of Education. The Mississippi Recovery School
309 District shall provide leadership and oversight of all school
310 districts that are subject to state conservatorship, as defined in
311 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall
312 have all the authority granted under these two (2) chapters. The
313 Mississippi Department of Education, with the approval of the
314 State Board of Education, shall develop policies for the operation
315 and management of the Mississippi Recovery School District. The
316 deputy state superintendent is responsible for the Mississippi
317 Recovery School District and shall be authorized to oversee the
318 administration of the Mississippi Recovery School District,
319 oversee conservators assigned by the State Board of Education to a
320 local school district, hear appeals from school districts under
321 conservatorship that would normally be filed by students, parents
322 or employees and heard by a local school board, which hearings on
323 appeal shall be conducted in a prompt and timely manner in the
324 school district from which the appeal originated in order to
325 ensure the ability of appellants, other parties and witnesses to
326 appeal without undue burden of travel costs or loss of time from
327 work, and perform other related duties as assigned by the State
328 Superintendent of Public Education. The deputy state
329 superintendent is responsible for the Mississippi Recovery School



330 District and shall determine, based on rigorous professional
331 qualifications set by the State Board of Education, the
332 appropriate individuals to be engaged to be conservators and
333 financial advisors, if applicable, of all school districts subject
334 to state conservatorship. After State Board of Education
335 approval, these individuals shall be deemed independent
336 contractors.

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 the 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, the 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 that
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 licensed and nonlicensed 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 that 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 funds other than



429 adequate education program funds. The department shall submit an
430 itemized statement to the superintendent of the local school
431 district for reimbursement purposes, and any unpaid balance may be
432 withheld from the district's adequate education program funds.

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

438 (b) In order to provide loans to school districts under
439 a state of emergency that 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.

444 The State Board of Education may loan monies from the School
445 District Emergency Assistance Fund to a school district that is
446 under a state of emergency in those amounts, as determined by the
447 board, that are necessary to correct the district's impairments
448 related to a lack of financial resources. The loans shall be
449 evidenced by an agreement between the school district and the
450 State Board of Education and shall be repayable in principal,
451 without necessity of interest, to the State General Fund or the
452 Education Enhancement Fund, depending on the source of funding for
453 the loan, by the school district from any allowable funds that are
454 available. The total amount loaned to the district shall be due
455 and payable within five (5) years after the impairments related to
456 a lack of financial resources are corrected. If a school district
457 fails to make payments on the loan in accordance with the terms of
458 the agreement between the district and the State Board of
459 Education, the State Department of Education, in accordance with
460 rules and regulations established by the State Board of Education,
461 may withhold that district's adequate education program funds in



462 an amount and manner that will effectuate repayment consistent
463 with the terms of the agreement; the funds withheld by the
464 department shall be deposited into the State General Fund or the
465 Education Enhancement Fund, as the case may be.

466 The State Board of Education shall develop a protocol that
467 will outline the performance standards and requisite time line
468 deemed necessary for extreme emergency measures. If the State
469 Board of Education determines that an extreme emergency exists,
470 simultaneous with the powers exercised in this subsection, it
471 shall take immediate action against all parties responsible for
472 the affected school districts having been determined to be in an
473 extreme emergency. The action shall include, but not be limited
474 to, initiating civil actions to recover funds and criminal actions
475 to account for criminal activity. Any funds recovered by the
476 State Auditor or the State Board of Education from the surety
477 bonds of school officials or from any civil action brought under
478 this subsection shall be applied toward the repayment of any loan
479 made to a school district hereunder.

480 (15) If a majority of the membership of the school board of
481 any school district resigns from office, the State Board of
482 Education shall be authorized to assign an interim conservator,
483 who shall be responsible for the administration, management and
484 operation of the school district until the time as new board
485 members are selected or the Governor declares a state of emergency
486 in that school district under subsection (11), whichever occurs
487 first. In that case, the State Board of Education, acting through
488 the interim conservator, shall have all powers which were held by
489 the previously existing school board, and may take any action as
490 prescribed in Section 37-17-13 and/or one or more of the actions
491 authorized in this section.

492 (16) (a) If the Governor declares a state of emergency in a
493 school district, the State Board of Education may take all such
494 action pertaining to that school district as is authorized under



495 subsection (11) or (14) of Section 37-17-6, including the
496 appointment of an interim conservator. The State Board of
497 Education shall also have the authority to issue a written request
498 with documentation to the Governor asking that the office of the
499 superintendent of the school district be subject to recall. If
500 the Governor declares that the office of the superintendent of the
501 school district is subject to recall, the local school board or
502 the county election commission, as the case may be, shall take the
503 following action:

504 (i) If the office of superintendent is an elected
505 office, in those years in which there is no general election, the
506 name shall be submitted by the State Board of Education to the
507 county election commission, and the county election commission
508 shall submit the question at a special election to the voters
509 eligible to vote for the office of superintendent within the
510 county, and the special election shall be held within sixty (60)
511 days from notification by the State Board of Education. The
512 ballot shall read substantially as follows:

513 "Shall County Superintendent of Education _____ (here the
514 name of the superintendent shall be inserted) of the _____
515 (here the title of the school district shall be inserted) be
516 retained in office? Yes _____ No _____"

517 If a majority of those voting on the question votes against
518 retaining the superintendent in office, a vacancy shall exist
519 which shall be filled in the manner provided by law; otherwise,
520 the superintendent shall remain in office for the term of that
521 office, and at the expiration of the term shall be eligible for
522 qualification and election to another term or terms.

523 (ii) If the office of superintendent is an
524 appointive office, the name of the superintendent shall be
525 submitted by the president of the local school board at the next
526 regular meeting of the school board for retention in office or
527 dismissal from office. If a majority of the school board voting



528 on the question vote against retaining the superintendent in
529 office, a vacancy shall exist which shall be filled as provided by
530 law, otherwise the superintendent shall remain in office for the
531 duration of his employment contract.

532 (b) The State Board of Education may issue a written
533 request with documentation to the Governor asking that the
534 membership of the school board of the school district shall be
535 subject to recall. Whenever the Governor declares that the
536 membership of the school board is subject to recall, the county
537 election commission or the local governing authorities, as the
538 case may be, shall take the following action:

539 (i) If the members of the local school board are
540 elected to office, in those years in which the specific member's
541 office is not up for election, the name of the school board member
542 shall be submitted by the State Board of Education to the county
543 election commission, and the county election commission at a
544 special election shall submit the question to the voters eligible
545 to vote for the particular member's office within the county or
546 school district, as the case may be, and the special election
547 shall be held within sixty (60) days from notification by the
548 State Board of Education. The ballot shall read substantially as
549 follows:

550 "Members of the _____ (here the title of the school
551 district shall be inserted) School Board who are not up for
552 election this year are subject to recall because of the school
553 district's failure to meet critical accountability standards as
554 defined in the letter of notification to the Governor from the
555 State Board of Education. Shall the member of the school board
556 representing this area, _____ (here the name of the school
557 board member holding the office shall be inserted), be retained in
558 office? Yes _____ No _____"

559 If a majority of those voting on the question vote against
560 retaining the member of the school board in office, a vacancy in



561 that board member's office shall exist, which shall be filled in
562 the manner provided by law; otherwise, the school board member
563 shall remain in office for the term of that office, and at the
564 expiration of the term of office, the member shall be eligible for
565 qualification and election to another term or terms of office.
566 However, if a majority of the school board members are recalled in
567 the special election, the Governor shall authorize the board of
568 supervisors of the county in which the school district is situated
569 to appoint members to fill the offices of the members recalled.
570 The board of supervisors shall make those appointments in the
571 manner provided by law for filling vacancies on the school board,
572 and the appointed members shall serve until the office is filled
573 at the next regular special election or general election.

574 (ii) If the local school board is an appointed
575 school board, the name of all school board members shall be
576 submitted as a collective board by the president of the municipal
577 or county governing authority, as the case may be, at the next
578 regular meeting of the governing authority for retention in office
579 or dismissal from office. If a majority of the governing
580 authority voting on the question vote against retaining the board
581 in office, a vacancy shall exist in each school board member's
582 office, which shall be filled as provided by law; otherwise, the
583 members of the appointed school board shall remain in office for
584 the duration of their term of appointment, and those members may
585 be reappointed.

586 (iii) If the local school board is comprised of
587 both elected and appointed members, the elected members shall be
588 subject to recall in the manner provided in subparagraph (i) of
589 this subsection, and the appointed members shall be subject to
590 recall in the manner provided in subparagraph (ii).

591 (17) Beginning with the school district audits conducted for
592 the 1997-1998 fiscal year, the State Board of Education, acting
593 through the Commission on School Accreditation, shall require each



594 school district to comply with standards established by the State
595 Department of Audit for the verification of fixed assets and the
596 auditing of fixed assets records as a minimum requirement for
597 accreditation.

598 (18) Before December 1, 1999, the State Board of Education
599 shall recommend a program to the Education Committees of the House
600 of Representatives and the Senate for identifying and rewarding
601 public schools that improve or are high performing. The program
602 shall be described by the board in a written report, which shall
603 include criteria and a process through which improving schools and
604 high-performing schools will be identified and rewarded.

605 The State Superintendent of Public Education and the State
606 Board of Education also shall develop a comprehensive
607 accountability plan to ensure that local school boards,
608 superintendents, principals and teachers are held accountable for
609 student achievement. A written report on the accountability plan
610 shall be submitted to the Education Committees of both houses of
611 the Legislature before December 1, 1999, with any necessary
612 legislative recommendations.

613 (19) Before January 1, 2008, the State Board of Education
614 shall evaluate and submit a recommendation to the Education
615 Committees of the House of Representatives and the Senate on
616 inclusion of graduation rate and dropout rate in the school level
617 accountability system.

618 (20) If a local school district is determined as failing and
619 placed into conservatorship for reasons authorized by the
620 provisions of this section, the conservator appointed to the
621 district shall, within forty-five (45) days after being appointed,
622 present a detailed and structured corrective action plan to move
623 the local school district out of conservatorship status to the
624 local school board and local superintendent of education if they
625 have not been removed by the conservator, or if the board and
626 superintendent have been removed, to the local governing authority



627 of the municipality or county in which the school district under
628 conservatorship is located. A copy of the conservator's
629 corrective action plan shall also be filed with the State Board of
630 Education.

631 **SECTION 2.** This act shall take effect and be in force from
632 and after July 1, 2012.

