

By: Senator(s) Watson, McDaniel

To: Education;
Appropriations

SENATE BILL NO. 2353

1 AN ACT TO CODIFY SECTION 37-17-14, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE THAT THE PERFORMANCE-BASED ACCREDITATION SYSTEM FOR
 3 SCHOOLS AND SCHOOL DISTRICTS SHALL INCLUDE THE DEVELOPMENT AND
 4 IMPLEMENTATION OF A FINANCIAL ACCOUNTABILITY RATING SYSTEM TO
 5 IDENTIFY HIGH ACADEMIC ACHIEVEMENT AND COST-EFFECTIVE SCHOOL
 6 OPERATIONS; TO DIRECT THE STATE DEPARTMENT OF EDUCATION TO REVIEW
 7 SCHOOL AND SCHOOL DISTRICT RESOURCE ALLOCATION PRACTICES; TO
 8 PRESCRIBE A PROCEDURE FOR PROJECTING A DEFICIT IN THE OPERATION OF
 9 SCHOOLS AND SCHOOL DISTRICTS; TO PROVIDE FOR REPORTS; TO CODIFY
 10 SECTION 37-17-15, MISSISSIPPI CODE OF 1972, TO DIRECT THE STATE
 11 BOARD OF EDUCATION TO ADOPT PERFORMANCE INDICATORS FOR STUDENT
 12 ACHIEVEMENT AND TO PROVIDE THAT THE PERFORMANCE-BASED
 13 ACCREDITATION SYSTEM FOR SCHOOLS AND SCHOOL DISTRICTS SHALL
 14 INCLUDE STUDENT ACHIEVEMENT PERFORMANCE INDICATORS; TO AMEND
 15 SECTION 37-17-6, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR
 16 RELATED PURPOSES.

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

18 **SECTION 1.** The following provision shall be codified as
 19 Section 37-17-14, Mississippi Code Of 1972:

20 37-17-14. **School district financial accountability.** (1)

21 The performance-based accreditation system implemented by the
 22 State Department of Education to assess the effectiveness of
 23 Mississippi's K-12 education delivery system shall include a
 24 fiscal accountability component to inform the public what is being
 25 received in return for funds invested in education. The State



26 Board of Education shall develop and the State Department of
27 Education shall implement a financial accountability rating system
28 for schools and school districts that:

29 (a) Distinguish among schools and school districts as
30 applicable, based on levels of financial performance; and

31 (b) Include procedures to provide additional
32 transparency to public education finance, and enable the State
33 Board of Education and school district administrators to provide
34 meaningful financial oversight and improvement. The system must
35 include uniform indicators adopted by the State Board of Education
36 by which to measure the financial management performance of a
37 school or school district. The system may not include an
38 indicator or any other performance measure that requires a school
39 or school district to spend a minimum specified percentage of
40 district operating funds for instructional purposes, or lowers the
41 financial management performance rating of a school or school
42 district for failure to spend a minimum specified percentage of
43 district operating funds for instructional purposes.

44 (2) The State Department of Education shall identify schools
45 and school districts that use resource allocation practices that
46 contribute to high academic achievement and cost-effective
47 operations. In identifying schools and school districts under
48 this section, the State Department of Education shall:

49 (a) Evaluate existing academic accountability and
50 financial data by integrating the data;



51 (b) Rank the results of the evaluation under paragraph
52 (a) to identify the relative performance of schools and school
53 districts; and

54 (c) Identify potential areas for schools and school
55 district improvement.

56 (3) In reviewing resources allocation practices of schools
57 and school district under this section, the State Department of
58 Education shall ensure resources are being used for the
59 instruction of students by evaluating:

60 (a) The operating cost for each student;

61 (b) The operating cost for each program; and

62 (c) The staffing cost for each student.

63 (4) The State Department of Education shall develop a review
64 process to anticipate the future financial solvency of each school
65 and school district. The review process shall analyze:

66 (a) District revenues and expenditures for the
67 preceding school year; and

68 (b) Projected district revenues and expenditures for
69 the current school year and the following two (2) school years.

70 (5) In analyzing the information under subsection (4), the
71 review process developed must consider, for the preceding school
72 year, the current school year, and the following two (2) school
73 years, as appropriate:

74 (a) Student-to-staff ratios relative to expenditures,
75 including average staff salaries;



76 (b) The rate of change in the district unreserved
77 general fund balance;
78 (c) The number of students enrolled in the district;
79 (d) The adopted tax rate of the district;
80 (e) Any independent audit report prepared for the
81 district; and
82 (f) Actual district financial information for the first
83 quarter.

84 (6) The State Department of Education shall consult school
85 district financial officers and public finance experts in
86 developing the review process under this section.

87 (7) The State Department of Education shall develop an
88 electronic-based program for school districts to use in submitting
89 information to the State Department of Education for purposes of
90 this section. Each district shall update information for purposes
91 of the program within the period prescribed by the State Board of
92 Education. The State Board of Education shall adopt rules under
93 this subsection to allow a district to enter estimates of critical
94 data into the program before the district adopts its budget. The
95 program must:

96 (a) Be capable of importing, to the extent practicable,
97 data a district has previously submitted to the State Department
98 of Education;



99 (b) Include an entry space that allows a district to
100 enter information explaining any irregularity in data submitted;
101 and

102 (c) Provide alerts for:

103 (i) A student-to-staff ratio that is significantly
104 outside the norm;

105 (ii) A rapid depletion of the district general
106 fund balance; and

107 (iii) A significant discrepancy between actual
108 budget figures and projected revenues and expenditures.

109 (8) An alert in the program developed under subsection (7),
110 must be developed to notify the State Department of Education
111 immediately on the occurrence of a condition described by
112 subsection (7)(c). After the State Department of Education is
113 alerted, the State Department of Education shall immediately
114 notify the affected school district regarding the condition
115 triggering the alert.

116 (9) If the review process under subsection (7) indicates a
117 projected deficit for a school district general fund within the
118 following three (3) school years, the district shall provide the
119 State Department of Education interim financial reports,
120 supplemented by staff and student count data, as needed, to
121 evaluate the district's current budget status.

122 (10) If the interim financial data provided under subsection
123 (9) substantiates the projected deficit, the school district shall



124 develop a financial plan and submit the plan to the State
125 Department of Education for approval. The State Department of
126 Education may approve the plan only if the State Department of
127 Education determines the plan will permit the district to avoid
128 the projected insolvency.

129 (11) The State Board of Education shall assign a school
130 district an accredited-warned status if:

131 (a) The district fails to submit a plan as provided by
132 subsection (10);

133 (b) The district fails to obtain approval from the
134 State Department of Education for a plan as provided by subsection
135 (10);

136 (c) The district fails to comply with a plan approved
137 by the State Department of Education under subsection (10); or

138 (d) The State Department of Education determines in a
139 subsequent school year, based on financial data submitted by the
140 district, that the approved plan for the district is no longer
141 sufficient or is not appropriately implemented.

142 (12) The State Board of Education shall develop, as part of
143 the system, a reporting procedure under which:

144 (a) Each school district is required to prepare and
145 distribute an annual financial management report;

146 (b) The public is provided an opportunity to comment on
147 the report at a hearing; and



148 (c) The annual financial management report must
149 include:

150 (i) A description of the district's financial
151 management performance based on a comparison, provided by the
152 State Department of Education, of the district's performance on
153 the indicators adopted under subsection (1) to:

- 154 1. State-established standards; and
155 2. The district's previous performance on the
156 indicators;

157 (ii) A description of the data submitted using the
158 electronic-based program developed under subsection (7); and

159 (iii) Any descriptive information required by the
160 State Board of Education.

161 (13) The report may include information concerning the
162 district's:

- 163 (a) Financial allocations;
164 (b) Tax collections;
165 (c) Financial strength;
166 (d) Operating cost management;
167 (e) Personnel management;
168 (f) Debt management;
169 (g) Facility acquisition and construction management;
170 (h) Cash management;
171 (i) Budgetary planning;
172 (j) Overall business management;



173 (k) Compliance with rules;
174 (l) Data quality; and
175 (m) Any other information the local school board
176 determines to be necessary or useful.

177 (14) The local school board of each school district shall
178 hold a public hearing on the report. The board shall give notice
179 of the hearing to owners of real property in the district and to
180 parents of district students. In addition to other notice
181 required by law, notice of the hearing must be provided:

182 (a) To a newspaper of general circulation in the
183 district; and

184 (b) Through electronic mail to media serving the
185 district.

186 (15) After the hearing, the report shall be disseminated in
187 the district in the manner prescribed by the State Board of
188 Education.

189 (16) On final approval of the budget by the local school
190 board, the school district shall post on the district's Internet
191 website a copy of the budget adopted by the school board. The
192 district's Internet website must prominently display the
193 electronic link to the adopted budget. The district shall
194 maintain the adopted budget on the district's Internet website
195 until the third anniversary of the date the budget was adopted.

196 (17) If a school district does not satisfy the financial
197 accountability standard as determined by the State Board of



198 Education under this section, the State Board of Education shall
199 take any of the actions authorized under Section 37-17-6 et seq.
200 to the extent the State Board of Education determines necessary
201 for schools and school districts failing to meet accreditation
202 standards

203 **SECTION 2.** The following provision shall be codified as
204 Section 37-17-15, Mississippi Code Of 1972:

205 37-17-15. **Performance indicators for student achievement.**

206 (1) The performance-based accreditation system implemented by the
207 State Department of Education to assess the effectiveness of
208 Mississippi's K-12 education delivery system shall include a
209 performance indicator system for student achievement. The State
210 Board of Education shall adopt a set of indicators of the quality
211 of learning and student achievement. The State Board of Education
212 biennially shall review the indicators for the consideration of
213 appropriate revisions.

214 (2) Performance on the student achievement indicators
215 adopted under this section shall be compared to state-established
216 standards. The indicators must be based on information that is
217 disaggregated by race, ethnicity and socioeconomic status.

218 (3) Indicators of student achievement adopted under this
219 section must include:

220 (a) The results of assessment instruments required
221 under Section 37-16-1 et seq., including the results of assessment



222 instruments required for graduation retaken by a student,
223 aggregated across grade levels by subject area, including:

224 (i) The percentage of students who performed
225 satisfactorily on the assessment instruments, aggregated across
226 grade levels by subject area;

227 (ii) For students who did not perform
228 satisfactorily, the percentage of students who met the standard
229 for annual improvement, as determined by the State Department of
230 Education on the assessment instruments, aggregated across grade
231 levels by subject area;

232 (iii) For the college readiness performance
233 standard, the percentage of students who performed satisfactorily
234 on the assessment instruments, aggregated across grade levels by
235 subject area; and

236 (iv) For students who did not perform
237 satisfactorily, the percentage of students who met the standard
238 for annual improvement, as determined by the State Board of
239 Education on the assessment instruments, aggregated across grade
240 levels by subject area;

241 (b) Dropout rates, including dropout rates and district
242 completion rates for grade levels 9 through 12, computed in
243 accordance with standards and definitions adopted by the
244 National Center for Education Statistics of the United States
245 Department of Education; and



246 (c) High school graduation rates, computed in
247 accordance with standards and definitions adopted in compliance
248 with the No Child Left Behind Act of 2001 (20 USC Section 6301 et
249 seq.).

250 (4) For purposes of subsection (3), the State Board of
251 Education by rule shall determine the period within which a
252 student must retake an assessment instrument for that assessment
253 instrument to be considered in determining the performance rating
254 of the district.

255 (5) Performance on the student achievement indicators under
256 subsection (3) (a) and (b) shall be compared to state standards and
257 required improvement. The state standard shall be established by
258 the State Board of Education. Required improvement is the
259 progress necessary for the school or district to meet state
260 standards and for the student achievement indicator under
261 subsection (3) (a) for its students to meet each of the performance
262 standards.

263 (6) Annually, the State Board of Education shall define the
264 state standard for the current school year for each student
265 achievement indicator described by subsection (5), and shall
266 project the state standards for each indicator for the following
267 two (2) school years. The State Board of Education shall
268 periodically raise the state standards for the student achievement
269 indicator described by subsection (3) for accreditation as



270 necessary to reach the goals of achieving, by not later than the
271 2019-2020 school year:

272 (a) Student performance in this state, disaggregated by
273 race, ethnicity and socioeconomic status, that ranks nationally in
274 the top ten (10) states in terms of college readiness; and

275 (b) Student performance, including the percentage of
276 students graduating under the recommended or advanced high school
277 program, with no significant achievement gaps by race, ethnicity
278 and socioeconomic status.

279 (7) In defining the required state standard for the
280 indicator described by subsection (3) (b), the State Board of
281 Education may not consider as a dropout a student whose failure to
282 attend school results from:

283 (a) The student's expulsion; and

284 (b) As applicable:

285 (i) Adjudication as having engaged in delinquent
286 conduct or conduct indicating a need for supervision, as defined
287 by law; or

288 (ii) Conviction of a sentencing for felony
289 offense.

290 (8) In computing dropout and completion rates under
291 subsection (3) (b), the State Board of Education shall exclude:

292 (a) Students who are ordered by a court to attend a
293 high school equivalency certificate program but who have not yet
294 earned a high school equivalency certificate;



295 (b) Students who were previously reported to the state
296 as dropouts;

297 (c) Students in attendance who are not in membership
298 for purposes of average daily attendance;

299 (d) Students whose initial enrollment in a school in
300 the United States in Grades 7 through 12 was as unschooled
301 refugees or asylees;

302 (e) Students who are in the district exclusively as a
303 function of having been detained at a county detention facility
304 but are otherwise not students of the district in which the
305 facility is located; and

306 (f) Students who are incarcerated in state jails and
307 federal penitentiaries as adults and as persons certified to stand
308 trial as adults.

309 (9) Each school district shall cooperate with the State
310 Department of Education in determining whether a student is a
311 dropout for purposes of accreditation and evaluating performance
312 by school districts and schools under this section.

313 (10) The State Board of Education shall adopt rules to
314 evaluate school district and school performance and, not later
315 than August 8, of each year, assign each district and school a
316 performance rating that reflects acceptable performance or
317 unacceptable performance. If a district or school received a
318 performance rating of unacceptable performance for the preceding



319 school year, the State Board of Education shall notify the
320 district of a subsequent such designation on or before June 15.

321 (11) In evaluating performance, the State Board of Education
322 shall evaluate against state standards and consider the
323 performance of each school in a school district on the basis of
324 the school's performance on the student achievement indicators.

325 (12) In evaluating school district and school performance on
326 the student achievement indicators adopted under subsection (3)(a)
327 and (b), the State Board of Education shall define acceptable
328 performance as meeting the state standard determined by the State
329 Board of Education for the current school year based on:

- 330 (a) Student performance in the current school year; or
331 (b) Student performance as averaged over the current
332 school year and the preceding two (2) school years.

333 (13) In evaluating performance under subsection (12), the
334 State Board of Education:

335 (a) May assign an acceptable performance rating if the
336 school or district:

337 (i) Performs satisfactorily on eighty-five percent
338 (85%) of the measures the State Board of Education determines
339 appropriate with respect to the student achievement indicators
340 adopted under subsection (3)(a) and (b); and

341 (ii) Does not fail to perform satisfactorily on
342 the same measure described by subparagraph (i) for two (2)
343 consecutive school years;



344 (b) May grant an exception under this subsection to a
345 district or school only if the performance of the district or
346 school is within a certain percentage, as determined by the State
347 Board of Education, of the minimum performance standard
348 established by the State Board of Education for the measure of
349 evaluation; or

350 (c) May establish other performance criteria for a
351 district or school to obtain an exception under this subsection.

352 (14) Each annual performance review under this section shall
353 include an analysis of the student achievement indicators adopted
354 under subsection (3) to determine school district and school
355 performance in relation to:

356 (a) Standards established for each indicator; and

357 (b) Required improvement.

358 (15) The State Board of Education shall authorize special
359 accreditation investigations to be conducted:

360 (a) When excessive numbers of absences of students
361 eligible to be tested on state assessment instruments are
362 determined;

363 (b) When excessive numbers of allowable exemptions
364 from the required state assessment instruments are determined;

365 (c) In response to complaints submitted to the State
366 Department of Education with respect to alleged violations of
367 civil rights or other requirements imposed on the state by federal
368 law or court order;



369 (d) In response to established compliance reviews of
370 the district's financial accounting practices and state and
371 federal program requirements;

372 (e) When extraordinary numbers of student placements in
373 disciplinary alternative education programs are determined;

374 (f) In response to an allegation involving a conflict
375 between members of the local school board or between the board and
376 the district administration if it appears that the conflict
377 involves a violation of a role or duty of the board members or the
378 administration clearly defined by law;

379 (g) When excessive numbers of students in special
380 education programs, are assessed through improper assessment
381 instruments;

382 (h) When a significant pattern of decreased academic
383 performance has developed as a result of the promotion in the
384 preceding two (2) school years of students who did not perform
385 satisfactorily as determined by the State Board of Education;

386 (i) When excessive numbers of students graduate under
387 the minimum high school program;

388 (j) When excessive numbers of students eligible to
389 enroll fail to complete an Algebra II course or any other course
390 determined by the State Board of Education as distinguishing
391 between students participating in the recommended high school
392 program from students participating in the minimum high school
393 program; or



394 (k) When resource allocation practices as evaluated
395 under Section 37-17-14 indicate a potential for significant
396 improvement in resource allocation.

397 **SECTION 3.** Section 37-17-6, Mississippi Code of 1972, is
398 amended as follows:

399 **[Until the date Chapter 525, Laws of 2012, is effectuated**
400 **under Section 5 of the Voting Rights Act of 1965, as amended and**
401 **extended, this section shall read as follows:]**

402 37-17-6. (1) The State Board of Education, acting through
403 the Commission on School Accreditation, shall establish and
404 implement a permanent performance-based accreditation system, and
405 all public elementary and secondary schools shall be accredited
406 under this system.

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

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

416	Number of Students	Number of Certified
417	Per School Library	School Librarians
418	0 - 499 Students	1/2 Full-time Equivalent



419 Certified Librarian
420 500 or More Students 1 Full-time Certified
421 Librarian

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

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

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

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

436 (f) Any additional millage levied to fund school
437 librarians required for accreditation under this subsection shall
438 be included in the tax increase limitation set forth in Sections
439 37-57-105 and 37-57-107 and shall not be deemed a new program for
440 purposes of the limitation.

441 (4) On or before * * * July 1, 2013, the State Board of
442 Education shall implement the performance-based accreditation



443 system for school districts and for individual schools which shall
444 include the following:

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

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

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

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

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

456 (f) A determination of which schools exceed their
457 standards and a plan for providing recognition and rewards to
458 those schools;

459 (g) A determination of which schools are failing to
460 meet their standards and a determination of the appropriate role
461 of the State Board of Education and the State Department of
462 Education in providing assistance and initiating possible
463 intervention. A failing district is a district that fails to meet
464 both the absolute student achievement standards and the rate of
465 annual growth expectation standards as set by the State Board of
466 Education for two (2) consecutive years. The State Board of
467 Education shall establish the level of benchmarks by which



468 absolute student achievement and growth expectations shall be
469 assessed. In setting the benchmarks for school districts, the
470 State Board of Education may also take into account such factors
471 as graduation rates, dropout rates, completion rates, the extent
472 to which the school or district employs qualified teachers in
473 every classroom, and any other factors deemed appropriate by the
474 State Board of Education. The State Board of Education, acting
475 through the State Department of Education, shall apply a simple
476 "A," "B," "C," "D" and "F" designation to the current school and
477 school district statewide accountability performance
478 classification labels beginning with the State Accountability
479 Results for the 2011-2012 school year and following, and in the
480 school, district and state report cards required under state and
481 federal law. Under the new designations, a school or school
482 district that has earned a "Star" rating shall be designated an
483 "A" school or school district; a school or school district that
484 has earned a "High-Performing" rating shall be designated a "B"
485 school or school district; a school or school district that has
486 earned a "Successful" rating shall be designated a "C" school or
487 school district; a school or school district that has earned an
488 "Academic Watch" rating shall be designated a "D" school or school
489 district; a school or school district that has earned a
490 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
491 be designated an "F" school or school district. Effective with
492 the implementation of any new curriculum and assessment standards,



493 the State Board of Education, acting through the State Department
494 of Education, is further authorized and directed to change the
495 school and school district accreditation rating system to a simple
496 "A," "B," "C," "D," and "F" designation based on a combination of
497 student achievement scores and student growth as measured by the
498 statewide testing programs developed by the State Board of
499 Education pursuant to Chapter 16, Title 37, Mississippi Code of
500 1972. In any statute or regulation containing the former
501 accreditation designations, the new designations shall be
502 applicable;

503 (h) Development of a comprehensive student assessment
504 system to implement these requirements; * * *

505 (i) The State Board of Education may, based on a
506 written request that contains specific reasons for requesting a
507 waiver from the school districts affected by Hurricane Katrina of
508 2005, hold harmless school districts from assignment of district
509 and school level accountability ratings for the 2005-2006 school
510 year. The State Board of Education upon finding an extreme
511 hardship in the school district may grant the request. It is the
512 intent of the Legislature that all school districts maintain the
513 highest possible academic standards and instructional programs in
514 all schools as required by law and the State Board of
515 Education * * *;

516 (j) A determination of which schools and school
517 districts meet the financial accountability standards adopted and



518 implemented by the State Board of Education as prescribed in
519 Section 37-17-4; and

520 (k) A determination of which schools and school
521 districts meet the student achievement performance indicators
522 adopted and implemented by the State Board of Education as
523 prescribed in Section 37-17-15.

524 The State Board of Education may continue to assign school
525 district performance levels by using a number classification and
526 may assign individual school performance levels by using a number
527 classification to be consistent with school district performance
528 levels.

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

532 (6) The State Board of Education shall create an
533 accreditation audit unit under the Commission on School
534 Accreditation to determine whether schools are complying with
535 accreditation standards.

536 (7) The State Board of Education shall be specifically
537 authorized and empowered to withhold adequate education program
538 fund allocations, whichever is applicable, to any public school
539 district for failure to timely report student, school personnel
540 and fiscal data necessary to meet state and/or federal
541 requirements.

542 (8) Deleted.



543 (9) The State Board of Education shall establish, for those
544 school districts failing to meet accreditation standards, a
545 program of development to be complied with in order to receive
546 state funds, except as otherwise provided in subsection (14) of
547 this section when the Governor has declared a state of emergency
548 in a school district or as otherwise provided in Section 206,
549 Mississippi Constitution of 1890. The state board, in
550 establishing these standards, shall provide for notice to schools
551 and sufficient time and aid to enable schools to attempt to meet
552 these standards, unless procedures under subsection (14) of this
553 section have been invoked.

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

557 (a) Develop an impairment report for each district
558 failing to meet accreditation standards in conjunction with school
559 district officials;

560 (b) Notify any applicable school district failing to
561 meet accreditation standards that it is on probation until
562 corrective actions are taken or until the deficiencies have been
563 removed. The local school district shall develop a corrective
564 action plan to improve its deficiencies. For district academic
565 deficiencies, the corrective action plan for each such school
566 district shall be based upon a complete analysis of the following:
567 student test data, student grades, student attendance reports,



568 student dropout data, existence and other relevant data. The
569 corrective action plan shall describe the specific measures to be
570 taken by the particular school district and school to improve:
571 (i) instruction; (ii) curriculum; (iii) professional development;
572 (iv) personnel and classroom organization; (v) student incentives
573 for performance; (vi) process deficiencies; and (vii) reporting to
574 the local school board, parents and the community. The corrective
575 action plan shall describe the specific individuals responsible
576 for implementing each component of the recommendation and how each
577 will be evaluated. All corrective action plans shall be provided
578 to the State Board of Education as may be required. The decision
579 of the State Board of Education establishing the probationary
580 period of time shall be final;

581 (c) Offer, during the probationary period, technical
582 assistance to the school district in making corrective actions.
583 Beginning July 1, 1998, subject to the availability of funds, the
584 State Department of Education shall provide technical and/or
585 financial assistance to all such school districts in order to
586 implement each measure identified in that district's corrective
587 action plan through professional development and on-site
588 assistance. Each such school district shall apply for and utilize
589 all available federal funding in order to support its corrective
590 action plan in addition to state funds made available under this
591 paragraph;



592 (d) Assign department personnel or contract, in its
593 discretion, with the institutions of higher learning or other
594 appropriate private entities with experience in the academic,
595 finance and other operational functions of schools to assist
596 school districts;

597 (e) Provide for publication of public notice at least
598 one time during the probationary period, in a newspaper published
599 within the jurisdiction of the school district failing to meet
600 accreditation standards, or if no newspaper is published therein,
601 then in a newspaper having a general circulation therein. The
602 publication shall include the following: declaration of school
603 system's status as being on probation; all details relating to the
604 impairment report; and other information as the State Board of
605 Education deems appropriate. Public notices issued under this
606 section shall be subject to Section 13-3-31 and not contrary to
607 other laws regarding newspaper publication.

608 (11) (a) If the recommendations for corrective action are
609 not taken by the local school district or if the deficiencies are
610 not removed by the end of the probationary period, the Commission
611 on School Accreditation shall conduct a hearing to allow the
612 affected school district to present evidence or other reasons why
613 its accreditation should not be withdrawn. After its
614 consideration of the results of the hearing, the Commission on
615 School Accreditation shall be authorized, with the approval of the
616 State Board of Education, to withdraw the accreditation of a



617 public school district, and issue a request to the Governor that a
618 state of emergency be declared in that district.

619 (b) If the State Board of Education and the Commission
620 on School Accreditation determine that an extreme emergency
621 situation exists in a school district that jeopardizes the safety,
622 security or educational interests of the children enrolled in the
623 schools in that district and that emergency situation is believed
624 to be related to a serious violation or violations of
625 accreditation standards or state or federal law, or when a school
626 district meets the State Board of Education's definition of a
627 failing school district for two (2) consecutive full school years,
628 or if more than fifty percent (50%) of the schools within the
629 school district are designated as Schools At-Risk in any one (1)
630 year, the State Board of Education may request the Governor to
631 declare a state of emergency in that school district. For
632 purposes of this paragraph, the declarations of a state of
633 emergency shall not be limited to those instances when a school
634 district's impairments are related to a lack of financial
635 resources, but also shall include serious failure to meet minimum
636 academic standards, as evidenced by a continued pattern of poor
637 student performance.

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



642 (i) Declare a state of emergency, under which some
643 or all of state funds can be escrowed except as otherwise provided
644 in Section 206, Constitution of 1890, until the board determines
645 corrective actions are being taken or the deficiencies have been
646 removed, or that the needs of students warrant the release of
647 funds. The funds may be released from escrow for any program
648 which the board determines to have been restored to standard even
649 though the state of emergency may not as yet be terminated for the
650 district as a whole;

651 (ii) Override any decision of the local school
652 board or superintendent of education, or both, concerning the
653 management and operation of the school district, or initiate and
654 make decisions concerning the management and operation of the
655 school district;

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

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

665 (v) For states of emergency declared under
666 paragraph (a) only, if the accreditation deficiencies are related



667 to the fact that the school district is too small, with too few
668 resources, to meet the required standards and if another school
669 district is willing to accept those students, abolish that
670 district and assign that territory to another school district or
671 districts. If the school district has proposed a voluntary
672 consolidation with another school district or districts, then if
673 the State Board of Education finds that it is in the best interest
674 of the pupils of the district for the consolidation to proceed,
675 the voluntary consolidation shall have priority over any such
676 assignment of territory by the State Board of Education;

677 (vi) For states of emergency declared under
678 paragraph (b) only, reduce local supplements paid to school
679 district employees, including, but not limited to, instructional
680 personnel, assistant teachers and extracurricular activities
681 personnel, if the district's impairment is related to a lack of
682 financial resources, but only to an extent that will result in the
683 salaries being comparable to districts similarly situated, as
684 determined by the State Board of Education;

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

688 (d) At the time that satisfactory corrective action has
689 been taken in a school district in which a state of emergency has
690 been declared, the State Board of Education may request the



691 Governor to declare that the state of emergency no longer exists
692 in the district.

693 (e) There is established a Mississippi Recovery School
694 District within the State Department of Education under the
695 supervision of a deputy superintendent appointed by the State
696 Superintendent of Public Education, who is subject to the approval
697 by the State Board of Education. The Mississippi Recovery School
698 District shall provide leadership and oversight of all school
699 districts that are subject to state conservatorship, as defined in
700 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall
701 have all the authority granted under these two (2) chapters. The
702 Mississippi Department of Education, with the approval of the
703 State Board of Education, shall develop policies for the operation
704 and management of the Mississippi Recovery School District. The
705 deputy state superintendent is responsible for the Mississippi
706 Recovery School District and shall be authorized to oversee the
707 administration of the Mississippi Recovery School District,
708 oversee conservators assigned by the State Board of Education to a
709 local school district, hear appeals from school districts under
710 conservatorship that would normally be filed by students, parents
711 or employees and heard by a local school board, which hearings on
712 appeal shall be conducted in a prompt and timely manner in the
713 school district from which the appeal originated in order to
714 ensure the ability of appellants, other parties and witnesses to
715 appeal without undue burden of travel costs or loss of time from



716 work, and perform other related duties as assigned by the State
717 Superintendent of Public Education. The deputy state
718 superintendent is responsible for the Mississippi Recovery School
719 District and shall determine, based on rigorous professional
720 qualifications set by the State Board of Education, the
721 appropriate individuals to be engaged to be conservators and
722 financial advisors, if applicable, of all school districts subject
723 to state conservatorship. After State Board of Education
724 approval, these individuals shall be deemed independent
725 contractors.

726 (12) Upon the declaration of a state of emergency in a
727 school district under subsection (11) of this section, the
728 Commission on School Accreditation shall be responsible for public
729 notice at least once a week for at least three (3) consecutive
730 weeks in a newspaper published within the jurisdiction of the
731 school district failing to meet accreditation standards, or if no
732 newspaper is published therein, then in a newspaper having a
733 general circulation therein. The size of the notice shall be no
734 smaller than one-fourth (1/4) of a standard newspaper page and
735 shall be printed in bold print. If a conservator has been
736 appointed for the school district, the notice shall begin as
737 follows: "By authority of Section 37-17-6, Mississippi Code of
738 1972, as amended, adopted by the Mississippi Legislature during
739 the 1991 Regular Session, this school district (name of school
740 district) is hereby placed under the jurisdiction of the State



741 Department of Education acting through its appointed conservator
742 (name of conservator)."

743 The notice also shall include, in the discretion of the State
744 Board of Education, any or all details relating to the school
745 district's emergency status, including the declaration of a state
746 of emergency in the school district and a description of the
747 district's impairment deficiencies, conditions of any
748 conservatorship and corrective actions recommended and being
749 taken. Public notices issued under this section shall be subject
750 to Section 13-3-31 and not contrary to other laws regarding
751 newspaper publication.

752 Upon termination of the state of emergency in a school
753 district, the Commission on School Accreditation shall cause
754 notice to be published in the school district in the same manner
755 provided in this section, to include any or all details relating
756 to the corrective action taken in the school district that
757 resulted in the termination of the state of emergency.

758 (13) The State Board of Education or the Commission on
759 School Accreditation shall have the authority to require school
760 districts to produce the necessary reports, correspondence,
761 financial statements, and any other documents and information
762 necessary to fulfill the requirements of this section.

763 Nothing in this section shall be construed to grant any
764 individual, corporation, board or conservator the authority to



765 levy taxes except in accordance with presently existing statutory
766 provisions.

767 (14) (a) Whenever the Governor declares a state of
768 emergency in a school district in response to a request made under
769 subsection (11) of this section, the State Board of Education, in
770 its discretion, may assign an interim conservator to the school
771 district, or in its discretion, may contract with an appropriate
772 private entity with experience in the academic, finance and other
773 operational functions of schools and school districts, who will be
774 responsible for the administration, management and operation of
775 the school district, including, but not limited to, the following
776 activities:

777 (i) Approving or disapproving all financial
778 obligations of the district, including, but not limited to, the
779 employment, termination, nonrenewal and reassignment of all
780 licensed and nonlicensed personnel, contractual agreements and
781 purchase orders, and approving or disapproving all claim dockets
782 and the issuance of checks; in approving or disapproving
783 employment contracts of superintendents, assistant superintendents
784 or principals, the interim conservator shall not be required to
785 comply with the time limitations prescribed in Sections 37-9-15
786 and 37-9-105;

787 (ii) Supervising the day-to-day activities of the
788 district's staff, including reassigning the duties and
789 responsibilities of personnel in a manner which, in the



790 determination of the conservator, will best suit the needs of the
791 district;

792 (iii) Reviewing the district's total financial
793 obligations and operations and making recommendations to the
794 district for cost savings, including, but not limited to,
795 reassigning the duties and responsibilities of staff;

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

798 (v) Approving or disapproving all athletic, band
799 and other extracurricular activities and any matters related to
800 those activities;

801 (vi) Maintaining a detailed account of
802 recommendations made to the district and actions taken in response
803 to those recommendations;

804 (vii) Reporting periodically to the State Board of
805 Education on the progress or lack of progress being made in the
806 district to improve the district's impairments during the state of
807 emergency; and

808 (viii) Appointing a parent advisory committee,
809 comprised of parents of students in the school district that may
810 make recommendations to the conservator concerning the
811 administration, management and operation of the school district.

812 Except when, in the determination of the State Board of
813 Education, the school district's impairment is related to a lack
814 of financial resources, the cost of the salary of the conservator



815 and any other actual and necessary costs related to the
816 conservatorship paid by the State Department of Education shall be
817 reimbursed by the local school district from funds other than
818 adequate education program funds. The department shall submit an
819 itemized statement to the superintendent of the local school
820 district for reimbursement purposes, and any unpaid balance may be
821 withheld from the district's adequate education program funds.

822 At the time that the Governor, in accordance with the request
823 of the State Board of Education, declares that the state of
824 emergency no longer exists in a school district, the powers and
825 responsibilities of the interim conservator assigned to the
826 district shall cease.

827 (b) In order to provide loans to school districts under
828 a state of emergency that have impairments related to a lack of
829 financial resources, the School District Emergency Assistance Fund
830 is created as a special fund in the State Treasury into which
831 monies may be transferred or appropriated by the Legislature from
832 any available public education funds.

833 The State Board of Education may loan monies from the School
834 District Emergency Assistance Fund to a school district that is
835 under a state of emergency in those amounts, as determined by the
836 board, that are necessary to correct the district's impairments
837 related to a lack of financial resources. The loans shall be
838 evidenced by an agreement between the school district and the
839 State Board of Education and shall be repayable in principal,



840 without necessity of interest, to the State General Fund or the
841 Education Enhancement Fund, depending on the source of funding for
842 the loan, by the school district from any allowable funds that are
843 available. The total amount loaned to the district shall be due
844 and payable within five (5) years after the impairments related to
845 a lack of financial resources are corrected. If a school district
846 fails to make payments on the loan in accordance with the terms of
847 the agreement between the district and the State Board of
848 Education, the State Department of Education, in accordance with
849 rules and regulations established by the State Board of Education,
850 may withhold that district's adequate education program funds in
851 an amount and manner that will effectuate repayment consistent
852 with the terms of the agreement; the funds withheld by the
853 department shall be deposited into the State General Fund or the
854 Education Enhancement Fund, as the case may be.

855 The State Board of Education shall develop a protocol that
856 will outline the performance standards and requisite time line
857 deemed necessary for extreme emergency measures. If the State
858 Board of Education determines that an extreme emergency exists,
859 simultaneous with the powers exercised in this subsection, it
860 shall take immediate action against all parties responsible for
861 the affected school districts having been determined to be in an
862 extreme emergency. The action shall include, but not be limited
863 to, initiating civil actions to recover funds and criminal actions
864 to account for criminal activity. Any funds recovered by the



865 State Auditor or the State Board of Education from the surety
866 bonds of school officials or from any civil action brought under
867 this subsection shall be applied toward the repayment of any loan
868 made to a school district hereunder.

869 (15) If a majority of the membership of the school board of
870 any school district resigns from office, the State Board of
871 Education shall be authorized to assign an interim conservator,
872 who shall be responsible for the administration, management and
873 operation of the school district until the time as new board
874 members are selected or the Governor declares a state of emergency
875 in that school district under subsection (11), whichever occurs
876 first. In that case, the State Board of Education, acting through
877 the interim conservator, shall have all powers which were held by
878 the previously existing school board, and may take any action as
879 prescribed in Section 37-17-13 and/or one or more of the actions
880 authorized in this section.

881 (16) (a) If the Governor declares a state of emergency in a
882 school district, the State Board of Education may take all such
883 action pertaining to that school district as is authorized under
884 subsection (11) or (14) of Section 37-17-6, including the
885 appointment of an interim conservator. The State Board of
886 Education shall also have the authority to issue a written request
887 with documentation to the Governor asking that the office of the
888 superintendent of the school district be subject to recall. If
889 the Governor declares that the office of the superintendent of the



890 school district is subject to recall, the local school board or
891 the county election commission, as the case may be, shall take the
892 following action:

893 (i) If the office of superintendent is an elected
894 office, in those years in which there is no general election, the
895 name shall be submitted by the State Board of Education to the
896 county election commission, and the county election commission
897 shall submit the question at a special election to the voters
898 eligible to vote for the office of superintendent within the
899 county, and the special election shall be held within sixty (60)
900 days from notification by the State Board of Education. The
901 ballot shall read substantially as follows:

902 "Shall County Superintendent of Education _____ (here the
903 name of the superintendent shall be inserted) of the _____
904 (here the title of the school district shall be inserted) be
905 retained in office? Yes _____ No _____"

906 If a majority of those voting on the question votes against
907 retaining the superintendent in office, a vacancy shall exist
908 which shall be filled in the manner provided by law; otherwise,
909 the superintendent shall remain in office for the term of that
910 office, and at the expiration of the term shall be eligible for
911 qualification and election to another term or terms.

912 (ii) If the office of superintendent is an
913 appointive office, the name of the superintendent shall be
914 submitted by the president of the local school board at the next



915 regular meeting of the school board for retention in office or
916 dismissal from office. If a majority of the school board voting
917 on the question vote against retaining the superintendent in
918 office, a vacancy shall exist which shall be filled as provided by
919 law, otherwise the superintendent shall remain in office for the
920 duration of his employment contract.

921 (b) The State Board of Education may issue a written
922 request with documentation to the Governor asking that the
923 membership of the school board of the school district shall be
924 subject to recall. Whenever the Governor declares that the
925 membership of the school board is subject to recall, the county
926 election commission or the local governing authorities, as the
927 case may be, shall take the following action:

928 (i) If the members of the local school board are
929 elected to office, in those years in which the specific member's
930 office is not up for election, the name of the school board member
931 shall be submitted by the State Board of Education to the county
932 election commission, and the county election commission at a
933 special election shall submit the question to the voters eligible
934 to vote for the particular member's office within the county or
935 school district, as the case may be, and the special election
936 shall be held within sixty (60) days from notification by the
937 State Board of Education. The ballot shall read substantially as
938 follows:



939 "Members of the _____ (here the title of the school
940 district shall be inserted) School Board who are not up for
941 election this year are subject to recall because of the school
942 district's failure to meet critical accountability standards as
943 defined in the letter of notification to the Governor from the
944 State Board of Education. Shall the member of the school board
945 representing this area, _____ (here the name of the school
946 board member holding the office shall be inserted), be retained in
947 office? Yes _____ No _____"

948 If a majority of those voting on the question vote against
949 retaining the member of the school board in office, a vacancy in
950 that board member's office shall exist, which shall be filled in
951 the manner provided by law; otherwise, the school board member
952 shall remain in office for the term of that office, and at the
953 expiration of the term of office, the member shall be eligible for
954 qualification and election to another term or terms of office.
955 However, if a majority of the school board members are recalled in
956 the special election, the Governor shall authorize the board of
957 supervisors of the county in which the school district is situated
958 to appoint members to fill the offices of the members recalled.
959 The board of supervisors shall make those appointments in the
960 manner provided by law for filling vacancies on the school board,
961 and the appointed members shall serve until the office is filled
962 at the next regular special election or general election.



963 (ii) If the local school board is an appointed
964 school board, the name of all school board members shall be
965 submitted as a collective board by the president of the municipal
966 or county governing authority, as the case may be, at the next
967 regular meeting of the governing authority for retention in office
968 or dismissal from office. If a majority of the governing
969 authority voting on the question vote against retaining the board
970 in office, a vacancy shall exist in each school board member's
971 office, which shall be filled as provided by law; otherwise, the
972 members of the appointed school board shall remain in office for
973 the duration of their term of appointment, and those members may
974 be reappointed.

975 (iii) If the local school board is comprised of
976 both elected and appointed members, the elected members shall be
977 subject to recall in the manner provided in subparagraph (i) of
978 this subsection, and the appointed members shall be subject to
979 recall in the manner provided in subparagraph (ii).

980 (17) Beginning with the school district audits conducted for
981 the 1997-1998 fiscal year, the State Board of Education, acting
982 through the Commission on School Accreditation, shall require each
983 school district to comply with standards established by the State
984 Department of Audit for the verification of fixed assets and the
985 auditing of fixed assets records as a minimum requirement for
986 accreditation.



987 (18) Before December 1, 1999, the State Board of Education
988 shall recommend a program to the Education Committees of the House
989 of Representatives and the Senate for identifying and rewarding
990 public schools that improve or are high performing. The program
991 shall be described by the board in a written report, which shall
992 include criteria and a process through which improving schools and
993 high-performing schools will be identified and rewarded.

994 The State Superintendent of Public Education and the State
995 Board of Education also shall develop a comprehensive
996 accountability plan to ensure that local school boards,
997 superintendents, principals and teachers are held accountable for
998 student achievement. A written report on the accountability plan
999 shall be submitted to the Education Committees of both houses of
1000 the Legislature before December 1, 1999, with any necessary
1001 legislative recommendations.

1002 (19) Before January 1, 2008, the State Board of Education
1003 shall evaluate and submit a recommendation to the Education
1004 Committees of the House of Representatives and the Senate on
1005 inclusion of graduation rate and dropout rate in the school level
1006 accountability system.

1007 (20) If a local school district is determined as failing and
1008 placed into conservatorship for reasons authorized by the
1009 provisions of this section, the conservator appointed to the
1010 district shall, within forty-five (45) days after being appointed,
1011 present a detailed and structured corrective action plan to move



1012 the local school district out of conservatorship status to the
1013 local school board and local superintendent of education if they
1014 have not been removed by the conservator, or if the board and
1015 superintendent have been removed, to the local governing authority
1016 of the municipality or county in which the school district under
1017 conservatorship is located. A copy of the conservator's
1018 corrective action plan shall also be filed with the State Board of
1019 Education.

1020 **[From and after the date Chapter 525, Laws of 2012, is**
1021 **effectuated under Section 5 of the Voting Rights Act of 1965, as**
1022 **amended and extended, this section shall read as follows:]**

1023 37-17-6. (1) The State Board of Education, acting through
1024 the Commission on School Accreditation, shall establish and
1025 implement a permanent performance-based accreditation system, and
1026 all public elementary and secondary schools shall be accredited
1027 under this system.

1028 (2) No later than June 30, 1995, the State Board of
1029 Education, acting through the Commission on School Accreditation,
1030 shall require school districts to provide school classroom space
1031 that is air-conditioned as a minimum requirement for
1032 accreditation.

1033 (3) (a) Beginning with the 1994-1995 school year, the State
1034 Board of Education, acting through the Commission on School
1035 Accreditation, shall require that school districts employ
1036 certified school librarians according to the following formula:



1037	Number of Students	Number of Certified
1038	Per School Library	School Librarians
1039	0 - 499 Students	1/2 Full-time Equivalent
1040		Certified Librarian
1041	500 or More Students	1 Full-time Certified
1042		Librarian

1043 (b) The State Board of Education, however, may increase
1044 the number of positions beyond the above requirements.

1045 (c) The assignment of certified school librarians to
1046 the particular schools shall be at the discretion of the local
1047 school district. No individual shall be employed as a certified
1048 school librarian without appropriate training and certification as
1049 a school librarian by the State Department of Education.

1050 (d) School librarians in the district shall spend at
1051 least fifty percent (50%) of direct work time in a school library
1052 and shall devote no more than one-fourth (1/4) of the workday to
1053 administrative activities that are library related.

1054 (e) Nothing in this subsection shall prohibit any
1055 school district from employing more certified school librarians
1056 than are provided for in this section.

1057 (f) Any additional millage levied to fund school
1058 librarians required for accreditation under this subsection shall
1059 be included in the tax increase limitation set forth in Sections
1060 37-57-105 and 37-57-107 and shall not be deemed a new program for
1061 purposes of the limitation.



1062 (4) On or before * * * July 1, 2013, the State Board of
1063 Education shall implement the performance-based accreditation
1064 system for school districts and for individual schools which shall
1065 include the following:

1066 (a) High expectations for students and high standards
1067 for all schools, with a focus on the basic curriculum;

1068 (b) Strong accountability for results with appropriate
1069 local flexibility for local implementation;

1070 (c) A process to implement accountability at both the
1071 school district level and the school level;

1072 (d) Individual schools shall be held accountable for
1073 student growth and performance;

1074 (e) Set annual performance standards for each of the
1075 schools of the state and measure the performance of each school
1076 against itself through the standard that has been set for it;

1077 (f) A determination of which schools exceed their
1078 standards and a plan for providing recognition and rewards to
1079 those schools;

1080 (g) A determination of which schools are failing to
1081 meet their standards and a determination of the appropriate role
1082 of the State Board of Education and the State Department of
1083 Education in providing assistance and initiating possible
1084 intervention. A failing district is a district that fails to meet
1085 both the absolute student achievement standards and the rate of
1086 annual growth expectation standards as set by the State Board of



1087 Education for two (2) consecutive years. The State Board of
1088 Education shall establish the level of benchmarks by which
1089 absolute student achievement and growth expectations shall be
1090 assessed. In setting the benchmarks for school districts, the
1091 State Board of Education may also take into account such factors
1092 as graduation rates, dropout rates, completion rates, the extent
1093 to which the school or district employs qualified teachers in
1094 every classroom, and any other factors deemed appropriate by the
1095 State Board of Education. The State Board of Education, acting
1096 through the State Department of Education, shall apply a simple
1097 "A," "B," "C," "D" and "F" designation to the current school and
1098 school district statewide accountability performance
1099 classification labels beginning with the State Accountability
1100 Results for the 2011-2012 school year and following, and in the
1101 school, district and state report cards required under state and
1102 federal law. Under the new designations, a school or school
1103 district that has earned a "Star" rating shall be designated an
1104 "A" school or school district; a school or school district that
1105 has earned a "High-Performing" rating shall be designated a "B"
1106 school or school district; a school or school district that has
1107 earned a "Successful" rating shall be designated a "C" school or
1108 school district; a school or school district that has earned an
1109 "Academic Watch" rating shall be designated a "D" school or school
1110 district; a school or school district that has earned a
1111 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall



1112 be designated an "F" school or school district. Effective with
1113 the implementation of any new curriculum and assessment standards,
1114 the State Board of Education, acting through the State Department
1115 of Education, is further authorized and directed to change the
1116 school and school district accreditation rating system to a simple
1117 "A," "B," "C," "D," and "F" designation based on a combination of
1118 student achievement scores and student growth as measured by the
1119 statewide testing programs developed by the State Board of
1120 Education pursuant to Chapter 16, Title 37, Mississippi Code of
1121 1972. In any statute or regulation containing the former
1122 accreditation designations, the new designations shall be
1123 applicable;

1124 (h) Development of a comprehensive student assessment
1125 system to implement these requirements; * * *

1126 (i) The State Board of Education may, based on a
1127 written request that contains specific reasons for requesting a
1128 waiver from the school districts affected by Hurricane Katrina of
1129 2005, hold harmless school districts from assignment of district
1130 and school level accountability ratings for the 2005-2006 school
1131 year. The State Board of Education upon finding an extreme
1132 hardship in the school district may grant the request. It is the
1133 intent of the Legislature that all school districts maintain the
1134 highest possible academic standards and instructional programs in
1135 all schools as required by law and the State Board of
1136 Education * * *;



1137 (j) A determination of which schools and school
1138 districts meet the financial accountability standards adopted and
1139 implemented by the State Board of Education as prescribed in
1140 Section 37-17-4; and

1141 (k) A determination of which schools and school
1142 districts meet the student achievement performance indicators
1143 adopted and implemented by the State Board of Education as
1144 prescribed in Section 37-17-15.

1145 The State Board of Education may continue to assign school
1146 district performance levels by using a number classification and
1147 may assign individual school performance levels by using a number
1148 classification to be consistent with school district performance
1149 levels.

1150 (5) Nothing in this section shall be deemed to require a
1151 nonpublic school that receives no local, state or federal funds
1152 for support to become accredited by the State Board of Education.

1153 (6) The State Board of Education shall create an
1154 accreditation audit unit under the Commission on School
1155 Accreditation to determine whether schools are complying with
1156 accreditation standards.

1157 (7) The State Board of Education shall be specifically
1158 authorized and empowered to withhold adequate education program
1159 fund allocations, whichever is applicable, to any public school
1160 district for failure to timely report student, school personnel



1161 and fiscal data necessary to meet state and/or federal
1162 requirements.

1163 (8) Deleted.

1164 (9) The State Board of Education shall establish, for those
1165 school districts failing to meet accreditation standards, a
1166 program of development to be complied with in order to receive
1167 state funds, except as otherwise provided in subsection (14) of
1168 this section when the Governor has declared a state of emergency
1169 in a school district or as otherwise provided in Section 206,
1170 Mississippi Constitution of 1890. The state board, in
1171 establishing these standards, shall provide for notice to schools
1172 and sufficient time and aid to enable schools to attempt to meet
1173 these standards, unless procedures under subsection (14) of this
1174 section have been invoked.

1175 (10) Beginning July 1, 1998, the State Board of Education
1176 shall be charged with the implementation of the program of
1177 development in each applicable school district as follows:

1178 (a) Develop an impairment report for each district
1179 failing to meet accreditation standards in conjunction with school
1180 district officials;

1181 (b) Notify any applicable school district failing to
1182 meet accreditation standards that it is on probation until
1183 corrective actions are taken or until the deficiencies have been
1184 removed. The local school district shall develop a corrective
1185 action plan to improve its deficiencies. For district academic



1186 deficiencies, the corrective action plan for each such school
1187 district shall be based upon a complete analysis of the following:
1188 student test data, student grades, student attendance reports,
1189 student dropout data, existence and other relevant data. The
1190 corrective action plan shall describe the specific measures to be
1191 taken by the particular school district and school to improve:
1192 (i) instruction; (ii) curriculum; (iii) professional development;
1193 (iv) personnel and classroom organization; (v) student incentives
1194 for performance; (vi) process deficiencies; and (vii) reporting to
1195 the local school board, parents and the community. The corrective
1196 action plan shall describe the specific individuals responsible
1197 for implementing each component of the recommendation and how each
1198 will be evaluated. All corrective action plans shall be provided
1199 to the State Board of Education as may be required. The decision
1200 of the State Board of Education establishing the probationary
1201 period of time shall be final;

1202 (c) Offer, during the probationary period, technical
1203 assistance to the school district in making corrective actions.
1204 Beginning July 1, 1998, subject to the availability of funds, the
1205 State Department of Education shall provide technical and/or
1206 financial assistance to all such school districts in order to
1207 implement each measure identified in that district's corrective
1208 action plan through professional development and on-site
1209 assistance. Each such school district shall apply for and utilize
1210 all available federal funding in order to support its corrective



1211 action plan in addition to state funds made available under this
1212 paragraph;

1213 (d) Assign department personnel or contract, in its
1214 discretion, with the institutions of higher learning or other
1215 appropriate private entities with experience in the academic,
1216 finance and other operational functions of schools to assist
1217 school districts;

1218 (e) Provide for publication of public notice at least
1219 one time during the probationary period, in a newspaper published
1220 within the jurisdiction of the school district failing to meet
1221 accreditation standards, or if no newspaper is published therein,
1222 then in a newspaper having a general circulation therein. The
1223 publication shall include the following: declaration of school
1224 system's status as being on probation; all details relating to the
1225 impairment report; and other information as the State Board of
1226 Education deems appropriate. Public notices issued under this
1227 section shall be subject to Section 13-3-31 and not contrary to
1228 other laws regarding newspaper publication.

1229 (11) (a) If the recommendations for corrective action are
1230 not taken by the local school district or if the deficiencies are
1231 not removed by the end of the probationary period, the Commission
1232 on School Accreditation shall conduct a hearing to allow the
1233 affected school district to present evidence or other reasons why
1234 its accreditation should not be withdrawn. Additionally, if the
1235 local school district violates accreditation standards that have



1236 been determined by the policies and procedures of the State Board
1237 of Education to be a basis for withdrawal of school district's
1238 accreditation without a probationary period, the Commission on
1239 School Accreditation shall conduct a hearing to allow the affected
1240 school district to present evidence or other reasons why its
1241 accreditation should not be withdrawn. After its consideration of
1242 the results of the hearing, the Commission on School Accreditation
1243 shall be authorized, with the approval of the State Board of
1244 Education, to withdraw the accreditation of a public school
1245 district, and issue a request to the Governor that a state of
1246 emergency be declared in that district.

1247 (b) If the State Board of Education and the Commission
1248 on School Accreditation determine that an extreme emergency
1249 situation exists in a school district that jeopardizes the safety,
1250 security or educational interests of the children enrolled in the
1251 schools in that district and that emergency situation is believed
1252 to be related to a serious violation or violations of
1253 accreditation standards or state or federal law, or when a school
1254 district meets the State Board of Education's definition of a
1255 failing school district for two (2) consecutive full school years,
1256 or if more than fifty percent (50%) of the schools within the
1257 school district are designated as Schools At-Risk in any one (1)
1258 year, the State Board of Education may request the Governor to
1259 declare a state of emergency in that school district. For
1260 purposes of this paragraph, the declarations of a state of



1261 emergency shall not be limited to those instances when a school
1262 district's impairments are related to a lack of financial
1263 resources, but also shall include serious failure to meet minimum
1264 academic standards, as evidenced by a continued pattern of poor
1265 student performance.

1266 (c) Whenever the Governor declares a state of emergency
1267 in a school district in response to a request made under paragraph
1268 (a) or (b) of this subsection, the State Board of Education may
1269 take one or more of the following actions:

1270 (i) Declare a state of emergency, under which some
1271 or all of state funds can be escrowed except as otherwise provided
1272 in Section 206, Constitution of 1890, until the board determines
1273 corrective actions are being taken or the deficiencies have been
1274 removed, or that the needs of students warrant the release of
1275 funds. The funds may be released from escrow for any program
1276 which the board determines to have been restored to standard even
1277 though the state of emergency may not as yet be terminated for the
1278 district as a whole;

1279 (ii) Override any decision of the local school
1280 board or superintendent of education, or both, concerning the
1281 management and operation of the school district, or initiate and
1282 make decisions concerning the management and operation of the
1283 school district;

1284 (iii) Assign an interim conservator, or in its
1285 discretion, contract with a private entity with experience in the



1286 academic, finance and other operational functions of schools and
1287 school districts, who will have those powers and duties prescribed
1288 in subsection (14) of this section;

1289 (iv) Grant transfers to students who attend this
1290 school district so that they may attend other accredited schools
1291 or districts in a manner that is not in violation of state or
1292 federal law;

1293 (v) For states of emergency declared under
1294 paragraph (a) only, if the accreditation deficiencies are related
1295 to the fact that the school district is too small, with too few
1296 resources, to meet the required standards and if another school
1297 district is willing to accept those students, abolish that
1298 district and assign that territory to another school district or
1299 districts. If the school district has proposed a voluntary
1300 consolidation with another school district or districts, then if
1301 the State Board of Education finds that it is in the best interest
1302 of the pupils of the district for the consolidation to proceed,
1303 the voluntary consolidation shall have priority over any such
1304 assignment of territory by the State Board of Education;

1305 (vi) For states of emergency declared under
1306 paragraph (b) only, reduce local supplements paid to school
1307 district employees, including, but not limited to, instructional
1308 personnel, assistant teachers and extracurricular activities
1309 personnel, if the district's impairment is related to a lack of
1310 financial resources, but only to an extent that will result in the



1311 salaries being comparable to districts similarly situated, as
1312 determined by the State Board of Education;

1313 (vii) For states of emergency declared under
1314 paragraph (b) only, the State Board of Education may take any
1315 action as prescribed in Section 37-17-13.

1316 (d) At the time that satisfactory corrective action has
1317 been taken in a school district in which a state of emergency has
1318 been declared, the State Board of Education may request the
1319 Governor to declare that the state of emergency no longer exists
1320 in the district.

1321 (e) The parent or legal guardian of a school-age child
1322 who is enrolled in a school district whose accreditation has been
1323 withdrawn by the Commission on School Accreditation and without
1324 approval of that school district may file a petition in writing to
1325 a school district accredited by the Commission on School
1326 Accreditation for a legal transfer. The school district
1327 accredited by the Commission on School Accreditation may grant the
1328 transfer according to the procedures of Section 37-15-31(1)(b).
1329 In the event the accreditation of the student's home district is
1330 restored after a transfer has been approved, the student may
1331 continue to attend the transferee school district. The per-pupil
1332 amount of the adequate education program allotment, including the
1333 collective "add-on program" costs for the student's home school
1334 district shall be transferred monthly to the school district



1335 accredited by the Commission on School Accreditation that has
1336 granted the transfer of the school-age child.

1337 (f) Upon the declaration of a state of emergency for
1338 any school district in which the Governor has previously declared
1339 a state of emergency, the State Board of Education may either (i)
1340 establish a conservatorship or (ii) abolish the school district
1341 and administratively consolidate the school district with one or
1342 more existing school districts or (iii) reduce the size of the
1343 district and administratively consolidate parts of the district,
1344 as determined by the State Board of Education; provided, however,
1345 that no school district which is not under conservatorship shall
1346 be required to accept additional territory over the objection of
1347 the district.

1348 (g) There is established a Mississippi Recovery School
1349 District within the State Department of Education under the
1350 supervision of a deputy superintendent appointed by the State
1351 Superintendent of Public Education, who is subject to the approval
1352 by the State Board of Education. The Mississippi Recovery School
1353 District shall provide leadership and oversight of all school
1354 districts that are subject to state conservatorship, as defined in
1355 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall
1356 have all the authority granted under these two (2) chapters. The
1357 Mississippi Department of Education, with the approval of the
1358 State Board of Education, shall develop policies for the operation
1359 and management of the Mississippi Recovery School District. The



1360 deputy state superintendent is responsible for the Mississippi
1361 Recovery School District and shall be authorized to oversee the
1362 administration of the Mississippi Recovery School District,
1363 oversee conservators assigned by the State Board of Education to a
1364 local school district, hear appeals from school districts under
1365 conservatorship that would normally be filed by students, parents
1366 or employees and heard by a local school board, which hearings on
1367 appeal shall be conducted in a prompt and timely manner in the
1368 school district from which the appeal originated in order to
1369 ensure the ability of appellants, other parties and witnesses to
1370 appeal without undue burden of travel costs or loss of time from
1371 work, and perform other related duties as assigned by the State
1372 Superintendent of Public Education. The deputy state
1373 superintendent is responsible for the Mississippi Recovery School
1374 District and shall determine, based on rigorous professional
1375 qualifications set by the State Board of Education, the
1376 appropriate individuals to be engaged to be conservators and
1377 financial advisors, if applicable, of all school districts subject
1378 to state conservatorship. After State Board of Education
1379 approval, these individuals shall be deemed independent
1380 contractors.

1381 (12) Upon the declaration of a state of emergency in a
1382 school district under subsection (11) of this section, the
1383 Commission on School Accreditation shall be responsible for public
1384 notice at least once a week for at least three (3) consecutive



1385 weeks in a newspaper published within the jurisdiction of the
1386 school district failing to meet accreditation standards, or if no
1387 newspaper is published therein, then in a newspaper having a
1388 general circulation therein. The size of the notice shall be no
1389 smaller than one-fourth (1/4) of a standard newspaper page and
1390 shall be printed in bold print. If a conservator has been
1391 appointed for the school district, the notice shall begin as
1392 follows: "By authority of Section 37-17-6, Mississippi Code of
1393 1972, as amended, adopted by the Mississippi Legislature during
1394 the 1991 Regular Session, this school district (name of school
1395 district) is hereby placed under the jurisdiction of the State
1396 Department of Education acting through its appointed conservator
1397 (name of conservator)."

1398 The notice also shall include, in the discretion of the State
1399 Board of Education, any or all details relating to the school
1400 district's emergency status, including the declaration of a state
1401 of emergency in the school district and a description of the
1402 district's impairment deficiencies, conditions of any
1403 conservatorship and corrective actions recommended and being
1404 taken. Public notices issued under this section shall be subject
1405 to Section 13-3-31 and not contrary to other laws regarding
1406 newspaper publication.

1407 Upon termination of the state of emergency in a school
1408 district, the Commission on School Accreditation shall cause
1409 notice to be published in the school district in the same manner



1410 provided in this section, to include any or all details relating
1411 to the corrective action taken in the school district that
1412 resulted in the termination of the state of emergency.

1413 (13) The State Board of Education or the Commission on
1414 School Accreditation shall have the authority to require school
1415 districts to produce the necessary reports, correspondence,
1416 financial statements, and any other documents and information
1417 necessary to fulfill the requirements of this section.

1418 Nothing in this section shall be construed to grant any
1419 individual, corporation, board or conservator the authority to
1420 levy taxes except in accordance with presently existing statutory
1421 provisions.

1422 (14) (a) Whenever the Governor declares a state of
1423 emergency in a school district in response to a request made under
1424 subsection (11) of this section, the State Board of Education, in
1425 its discretion, may assign an interim conservator to the school
1426 district, or in its discretion, may contract with an appropriate
1427 private entity with experience in the academic, finance and other
1428 operational functions of schools and school districts, who will be
1429 responsible for the administration, management and operation of
1430 the school district, including, but not limited to, the following
1431 activities:

1432 (i) Approving or disapproving all financial
1433 obligations of the district, including, but not limited to, the
1434 employment, termination, nonrenewal and reassignment of all



1435 licensed and nonlicensed personnel, contractual agreements and
1436 purchase orders, and approving or disapproving all claim dockets
1437 and the issuance of checks; in approving or disapproving
1438 employment contracts of superintendents, assistant superintendents
1439 or principals, the interim conservator shall not be required to
1440 comply with the time limitations prescribed in Sections 37-9-15
1441 and 37-9-105;

1442 (ii) Supervising the day-to-day activities of the
1443 district's staff, including reassigning the duties and
1444 responsibilities of personnel in a manner which, in the
1445 determination of the conservator, will best suit the needs of the
1446 district;

1447 (iii) Reviewing the district's total financial
1448 obligations and operations and making recommendations to the
1449 district for cost savings, including, but not limited to,
1450 reassigning the duties and responsibilities of staff;

1451 (iv) Attending all meetings of the district's
1452 school board and administrative staff;

1453 (v) Approving or disapproving all athletic, band
1454 and other extracurricular activities and any matters related to
1455 those activities;

1456 (vi) Maintaining a detailed account of
1457 recommendations made to the district and actions taken in response
1458 to those recommendations;



1459 (vii) Reporting periodically to the State Board of
1460 Education on the progress or lack of progress being made in the
1461 district to improve the district's impairments during the state of
1462 emergency; and

1463 (viii) Appointing a parent advisory committee,
1464 comprised of parents of students in the school district that may
1465 make recommendations to the conservator concerning the
1466 administration, management and operation of the school district.

1467 Except when, in the determination of the State Board of
1468 Education, the school district's impairment is related to a lack
1469 of financial resources, the cost of the salary of the conservator
1470 and any other actual and necessary costs related to the
1471 conservatorship paid by the State Department of Education shall be
1472 reimbursed by the local school district from funds other than
1473 adequate education program funds. The department shall submit an
1474 itemized statement to the superintendent of the local school
1475 district for reimbursement purposes, and any unpaid balance may be
1476 withheld from the district's adequate education program funds.

1477 At the time that the Governor, in accordance with the request
1478 of the State Board of Education, declares that the state of
1479 emergency no longer exists in a school district, the powers and
1480 responsibilities of the interim conservator assigned to the
1481 district shall cease.

1482 (b) In order to provide loans to school districts under
1483 a state of emergency or under conservatorship that have



1484 impairments related to a lack of financial resources, the School
1485 District Emergency Assistance Fund is created as a special fund in
1486 the State Treasury into which monies may be transferred or
1487 appropriated by the Legislature from any available public
1488 education funds. Funds in the School District Emergency
1489 Assistance Fund up to a maximum balance of Three Million Dollars
1490 (\$3,000,000.00) annually shall not lapse but shall be available
1491 for expenditure in subsequent years subject to approval of the
1492 State Board of Education. Any amount in the fund in excess of
1493 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
1494 year shall lapse into the State General Fund or the Education
1495 Enhancement Fund, depending on the source of the fund.

1496 The State Board of Education may loan monies from the School
1497 District Emergency Assistance Fund to a school district that is
1498 under a state of emergency or under conservatorship, in those
1499 amounts, as determined by the board, that are necessary to correct
1500 the district's impairments related to a lack of financial
1501 resources. The loans shall be evidenced by an agreement between
1502 the school district and the State Board of Education and shall be
1503 repayable in principal, without necessity of interest, to the
1504 School District Emergency Assistance Fund * * * by the school
1505 district from any allowable funds that are available. The total
1506 amount loaned to the district shall be due and payable within five
1507 (5) years after the impairments related to a lack of financial
1508 resources are corrected. If a school district fails to make



1509 payments on the loan in accordance with the terms of the agreement
1510 between the district and the State Board of Education, the State
1511 Department of Education, in accordance with rules and regulations
1512 established by the State Board of Education, may withhold that
1513 district's adequate education program funds in an amount and
1514 manner that will effectuate repayment consistent with the terms of
1515 the agreement; the funds withheld by the department shall be
1516 deposited into the School District Emergency Assistance Fund.

1517 The State Board of Education shall develop a protocol that
1518 will outline the performance standards and requisite time line
1519 deemed necessary for extreme emergency measures. If the State
1520 Board of Education determines that an extreme emergency exists,
1521 simultaneous with the powers exercised in this subsection, it
1522 shall take immediate action against all parties responsible for
1523 the affected school districts having been determined to be in an
1524 extreme emergency. The action shall include, but not be limited
1525 to, initiating civil actions to recover funds and criminal actions
1526 to account for criminal activity. Any funds recovered by the
1527 State Auditor or the State Board of Education from the surety
1528 bonds of school officials or from any civil action brought under
1529 this subsection shall be applied toward the repayment of any loan
1530 made to a school district hereunder.

1531 (15) If a majority of the membership of the school board of
1532 any school district resigns from office, the State Board of
1533 Education shall be authorized to assign an interim conservator,



1534 who shall be responsible for the administration, management and
1535 operation of the school district until the time as new board
1536 members are selected or the Governor declares a state of emergency
1537 in that school district under subsection (11), whichever occurs
1538 first. In that case, the State Board of Education, acting through
1539 the interim conservator, shall have all powers which were held by
1540 the previously existing school board, and may take any action as
1541 prescribed in Section 37-17-13 and/or one or more of the actions
1542 authorized in this section.

1543 (16) (a) If the Governor declares a state of emergency in a
1544 school district, the State Board of Education may take all such
1545 action pertaining to that school district as is authorized under
1546 subsection (11) or (14) of Section 37-17-6, including the
1547 appointment of an interim conservator. The State Board of
1548 Education shall also have the authority to issue a written request
1549 with documentation to the Governor asking that the office of the
1550 superintendent of the school district be subject to recall. If
1551 the Governor declares that the office of the superintendent of the
1552 school district is subject to recall, the local school board or
1553 the county election commission, as the case may be, shall take the
1554 following action:

1555 (i) If the office of superintendent is an elected
1556 office, in those years in which there is no general election, the
1557 name shall be submitted by the State Board of Education to the
1558 county election commission, and the county election commission



1559 shall submit the question at a special election to the voters
1560 eligible to vote for the office of superintendent within the
1561 county, and the special election shall be held within sixty (60)
1562 days from notification by the State Board of Education. The
1563 ballot shall read substantially as follows:

1564 "Shall County Superintendent of Education _____ (here the
1565 name of the superintendent shall be inserted) of the _____
1566 (here the title of the school district shall be inserted) be
1567 retained in office? Yes _____ No _____"

1568 If a majority of those voting on the question votes against
1569 retaining the superintendent in office, a vacancy shall exist
1570 which shall be filled in the manner provided by law; otherwise,
1571 the superintendent shall remain in office for the term of that
1572 office, and at the expiration of the term shall be eligible for
1573 qualification and election to another term or terms.

1574 (ii) If the office of superintendent is an
1575 appointive office, the name of the superintendent shall be
1576 submitted by the president of the local school board at the next
1577 regular meeting of the school board for retention in office or
1578 dismissal from office. If a majority of the school board voting
1579 on the question vote against retaining the superintendent in
1580 office, a vacancy shall exist which shall be filled as provided by
1581 law, otherwise the superintendent shall remain in office for the
1582 duration of his employment contract.



1583 (b) The State Board of Education may issue a written
1584 request with documentation to the Governor asking that the
1585 membership of the school board of the school district shall be
1586 subject to recall. Whenever the Governor declares that the
1587 membership of the school board is subject to recall, the county
1588 election commission or the local governing authorities, as the
1589 case may be, shall take the following action:

1590 (i) If the members of the local school board are
1591 elected to office, in those years in which the specific member's
1592 office is not up for election, the name of the school board member
1593 shall be submitted by the State Board of Education to the county
1594 election commission, and the county election commission at a
1595 special election shall submit the question to the voters eligible
1596 to vote for the particular member's office within the county or
1597 school district, as the case may be, and the special election
1598 shall be held within sixty (60) days from notification by the
1599 State Board of Education. The ballot shall read substantially as
1600 follows:

1601 "Members of the _____ (here the title of the school
1602 district shall be inserted) School Board who are not up for
1603 election this year are subject to recall because of the school
1604 district's failure to meet critical accountability standards as
1605 defined in the letter of notification to the Governor from the
1606 State Board of Education. Shall the member of the school board
1607 representing this area, _____ (here the name of the school



1608 board member holding the office shall be inserted), be retained in
1609 office? Yes _____ No _____"

1610 If a majority of those voting on the question vote against
1611 retaining the member of the school board in office, a vacancy in
1612 that board member's office shall exist, which shall be filled in
1613 the manner provided by law; otherwise, the school board member
1614 shall remain in office for the term of that office, and at the
1615 expiration of the term of office, the member shall be eligible for
1616 qualification and election to another term or terms of office.
1617 However, if a majority of the school board members are recalled in
1618 the special election, the Governor shall authorize the board of
1619 supervisors of the county in which the school district is situated
1620 to appoint members to fill the offices of the members recalled.
1621 The board of supervisors shall make those appointments in the
1622 manner provided by law for filling vacancies on the school board,
1623 and the appointed members shall serve until the office is filled
1624 at the next regular special election or general election.

1625 (ii) If the local school board is an appointed
1626 school board, the name of all school board members shall be
1627 submitted as a collective board by the president of the municipal
1628 or county governing authority, as the case may be, at the next
1629 regular meeting of the governing authority for retention in office
1630 or dismissal from office. If a majority of the governing
1631 authority voting on the question vote against retaining the board
1632 in office, a vacancy shall exist in each school board member's



1633 office, which shall be filled as provided by law; otherwise, the
1634 members of the appointed school board shall remain in office for
1635 the duration of their term of appointment, and those members may
1636 be reappointed.

1637 (iii) If the local school board is comprised of
1638 both elected and appointed members, the elected members shall be
1639 subject to recall in the manner provided in subparagraph (i) of
1640 this subsection, and the appointed members shall be subject to
1641 recall in the manner provided in subparagraph (ii).

1642 (17) Beginning with the school district audits conducted for
1643 the 1997-1998 fiscal year, the State Board of Education, acting
1644 through the Commission on School Accreditation, shall require each
1645 school district to comply with standards established by the State
1646 Department of Audit for the verification of fixed assets and the
1647 auditing of fixed assets records as a minimum requirement for
1648 accreditation.

1649 (18) Before December 1, 1999, the State Board of Education
1650 shall recommend a program to the Education Committees of the House
1651 of Representatives and the Senate for identifying and rewarding
1652 public schools that improve or are high performing. The program
1653 shall be described by the board in a written report, which shall
1654 include criteria and a process through which improving schools and
1655 high-performing schools will be identified and rewarded.

1656 The State Superintendent of Public Education and the State
1657 Board of Education also shall develop a comprehensive



1658 accountability plan to ensure that local school boards,
1659 superintendents, principals and teachers are held accountable for
1660 student achievement. A written report on the accountability plan
1661 shall be submitted to the Education Committees of both houses of
1662 the Legislature before December 1, 1999, with any necessary
1663 legislative recommendations.

1664 (19) Before January 1, 2008, the State Board of Education
1665 shall evaluate and submit a recommendation to the Education
1666 Committees of the House of Representatives and the Senate on
1667 inclusion of graduation rate and dropout rate in the school level
1668 accountability system.

1669 (20) If a local school district is determined as failing and
1670 placed into conservatorship for reasons authorized by the
1671 provisions of this section, the conservator appointed to the
1672 district shall, within forty-five (45) days after being appointed,
1673 present a detailed and structured corrective action plan to move
1674 the local school district out of conservatorship status to the
1675 local school board and local superintendent of education if they
1676 have not been removed by the conservator, or if the board and
1677 superintendent have been removed, to the local governing authority
1678 of the municipality or county in which the school district under
1679 conservatorship is located. A copy of the conservator's
1680 corrective action plan shall also be filed with the State Board of
1681 Education.



1682 **SECTION 4.** This act shall take effect and be in force from
1683 and after July 1, 2013.

