

By: Representatives Currie, Campbell

To: Education

HOUSE BILL NO. 47

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE STATE BOARD OF EDUCATION TO USE ONLY DATA FROM THE
3 IMMEDIATELY PRECEDING SCHOOL YEAR TO ASSESS THE ACCREDITATION
4 RANKING FROM THE CURRENT SCHOOL YEAR; TO REQUIRE THE OFFICE OF THE
5 STATE AUDITOR TO CONDUCT A FOCUSED ACCREDITATION ASSESSMENT AND
6 RANKING OF EACH SCHOOL AND SCHOOL DISTRICT IN THE STATE
7 INDEPENDENT OF THE STATE BOARD OF EDUCATION; TO REQUIRE THE STATE
8 DEPARTMENT OF EDUCATION TO SUBMIT ANY PROPOSED CHANGES TO THE
9 SCHOOL ACCOUNTABILITY STANDARDS AND A STATEMENT OF THOSE CHANGES'
10 ESTIMATED ECONOMIC IMPACT TO THE APPROPRIATIONS AND EDUCATION
11 COMMITTEES OF THE HOUSE AND SENATE AND TO THE EXECUTIVE DIRECTOR
12 OF THE LEGISLATIVE BUDGET OFFICE ONE YEAR BEFORE THOSE STANDARDS
13 BECOME EFFECTIVE; AND FOR RELATED PURPOSES.

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

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

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

22 (2) No later than June 30, 1995, the State Board of
23 Education, acting through the Commission on School Accreditation,



24 shall require school districts to provide school classroom space
25 that is air-conditioned as a minimum requirement for
26 accreditation.

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

| | | |
|----|----------------------|--------------------------|
| 31 | Number of Students | Number of Certified |
| 32 | Per School Library | School Librarians |
| 33 | 0 - 499 Students | 1/2 Full-time Equivalent |
| 34 | | Certified Librarian |
| 35 | 500 or More Students | 1 Full-time Certified |
| 36 | | Librarian |

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

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

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



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

51 (f) Any additional millage levied to fund school
52 librarians required for accreditation under this subsection shall
53 be included in the tax increase limitation set forth in Sections
54 37-57-105 and 37-57-107 and shall not be deemed a new program for
55 purposes of the limitation.

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

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

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

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

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

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



71 (f) A determination of which schools exceed their
72 standards and a plan for providing recognition and rewards to
73 those schools;

74 (g) A determination of which schools are failing to
75 meet their standards and a determination of the appropriate role
76 of the State Board of Education and the State Department of
77 Education in providing assistance and initiating possible
78 intervention. A failing district is a district that fails to meet
79 both the absolute student achievement standards and the rate of
80 annual growth expectation standards as set by the State Board of
81 Education for two (2) consecutive years. The State Board of
82 Education shall establish the level of benchmarks by which
83 absolute student achievement and growth expectations shall be
84 assessed. In setting the benchmarks for school districts, the
85 State Board of Education may also take into account such factors
86 as graduation rates, dropout rates, completion rates, the extent
87 to which the school or district employs qualified teachers in
88 every classroom, and any other factors deemed appropriate by the
89 State Board of Education. The State Board of Education, acting
90 through the State Department of Education, shall apply a simple
91 "A," "B," "C," "D" and "F" designation to the current school and
92 school district statewide accountability performance
93 classification labels beginning with the State Accountability
94 Results for the 2011-2012 school year and following, and in the
95 school, district and state report cards required under state and



96 federal law. Under the new designations, a school or school
97 district that has earned a "Star" rating shall be designated an
98 "A" school or school district; a school or school district that
99 has earned a "High-Performing" rating shall be designated a "B"
100 school or school district; a school or school district that has
101 earned a "Successful" rating shall be designated a "C" school or
102 school district; a school or school district that has earned an
103 "Academic Watch" rating shall be designated a "D" school or school
104 district; a school or school district that has earned a
105 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
106 be designated an "F" school or school district. Effective with
107 the implementation of any new curriculum and assessment standards,
108 the State Board of Education, acting through the State Department
109 of Education, is further authorized and directed to change the
110 school and school district accreditation rating system to a simple
111 "A," "B," "C," "D," and "F" designation based on a combination of
112 student achievement scores and student growth as measured by the
113 statewide testing programs developed by the State Board of
114 Education pursuant to Chapter 16, Title 37, Mississippi Code of
115 1972. Effective with the start of the 2017-2018 school year,
116 annual accreditation ratings applied to a school or school
117 district shall be solely based upon the results of the previous
118 school year. In any statute or regulation containing the former
119 accreditation designations, the new designations shall be
120 applicable;



121 (h) Effective with the start of the 2016-2017 school
122 year, the State Board of Education shall submit the individual
123 scaled scores of its students to the Office of the State Auditor
124 for an accreditation assessment independent of the State Board of
125 Education. The State Auditor shall conduct a focused assessment,
126 which shall separately measure the achievement scores and growth
127 rates of each school's individual students. The information must
128 be submitted by each school district within a reasonable period as
129 prescribed by the State Auditor and in accordance with the
130 following:

131 (i) Achievement scores of each school shall be
132 provided in the form of the scaled scores of each individual
133 student and the scores shall be categorized by age group; and

134 (iii) Each individual test administered as part of
135 the statewide testing program shall be reported in accordance with
136 subsection (1) of this section;

137 (i) The Office of the State Auditor shall review the
138 scores and publish each school's accreditation ranking in a manner
139 easily accessible to the public. Each school's accreditation
140 ranking shall have separate designations for student achievement
141 scores and growth rates. The accreditation ranking designations
142 shall indicate a positive or negative shift of a school's
143 individual student achievement scores and growth rates and shall
144 be published in a manner that allows for comparison between each
145 school year and between each age group;



(* * *j) Development of a comprehensive student assessment system to implement these requirements; * * *

(k) The Department of Education shall submit any proposed changes to the school accountability standards to the Appropriations and Education Committees of the House and Senate and to the Executive Director of the Legislative Budget Office one (1) year before those standards become effective. The State Department of Education shall also submit a statement of estimated economic impact detailing how the proposed changes could impact the development of recommendations for the funding of the adequate education program; and

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

(5) (a) Effective with the 2013-2014 school year, the State Department of Education, acting through the Mississippi Commission on School Accreditation, shall revise and implement a single "A" through "F" school and school district accountability system



complying with applicable federal and state requirements in order to reach the following educational goals:

(i) To mobilize resources and supplies to ensure that all students exit third grade reading on grade level by 2015;

(ii) To reduce the student dropout rate to thirteen percent (13%) by 2015; and

(iii) To have sixty percent (60%) of students scoring proficient and advanced on the assessments of the Common Core State Standards by 2016 with incremental increases of three percent (3%) each year thereafter.

(b) The State Department of Education shall combine the state school and school district accountability system with the federal system in order to have a single system.

(c) The State Department of Education shall establish five (5) performance categories ("A," "B," "C," "D" and "F") for the accountability system based on the following criteria:

(i) Student Achievement: the percent of students proficient and advanced on the current state assessments;

(ii) Individual student growth: the percent of students making one (1) year's progress in one (1) year's time on the state assessment, with an emphasis on the progress of the lowest twenty-five percent (25%) of students in the school or district;



(iii) Four-year graduation rate: the percent of students graduating with a standard high school diploma in four (4) years, as defined by federal regulations;

(iv) Categories shall identify schools as Reward ("A" schools), Focus ("D" schools) and Priority ("F" schools). If at least five percent (5%) of schools in the state are not graded as "F" schools, the lowest five percent (5%) of school grade point designees will be identified as Priority schools. If at least ten percent (10%) of schools in the state are not graded as "D" schools, the lowest ten percent (10%) of school grade point designees will be identified as Focus schools;

(v) The State Department of Education shall discontinue the use of Star School, High-Performing, Successful, Academic Watch, Low-Performing, At-Risk of Failing and Failing school accountability designations;

(vi) The system shall include the federally compliant four-year graduation rate in school and school district accountability system calculations. Graduation rate will apply to high school and school district accountability ratings as a compensatory component. The system shall discontinue the use of the High School Completer Index (HSCI);

(vii) The school and school district accountability system shall incorporate a standards-based growth model, in order to support improvement of individual student learning;



219 (viii) The State Department of Education shall
220 discontinue the use of the Quality Distribution Index (QDI);

221 (ix) The State Department of Education shall
222 determine feeder patterns of schools that do not earn a school
223 grade because the grades and subjects taught at the school do not
224 have statewide standardized assessments needed to calculate a
225 school grade. Upon determination of the feeder pattern, the
226 department shall notify schools and school districts prior to the
227 release of the school grades beginning in 2013. Feeder schools
228 will be assigned the accountability designation of the school to
229 which they provide students;

230 (x) Standards for student, school and school
231 district performance will be increased when student proficiency is
232 at a seventy-five percent (75%) and/or when sixty-five percent
233 (65%) of the schools and/or school districts are earning a grade
234 of "B" or higher, in order to raise the standard on performance
235 after targets are met.

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

239 (7) The State Board of Education shall create an
240 accreditation audit unit under the Commission on School
241 Accreditation to determine whether schools are complying with
242 accreditation standards.



243 (8) The State Board of Education shall be specifically
244 authorized and empowered to withhold adequate education program
245 fund allocations, whichever is applicable, to any public school
246 district for failure to timely report student, school personnel
247 and fiscal data necessary to meet state and/or federal
248 requirements.

249 (9) [Deleted]

250 (10) The State Board of Education shall establish, for those
251 school districts failing to meet accreditation standards, a
252 program of development to be complied with in order to receive
253 state funds, except as otherwise provided in subsection (15) of
254 this section when the Governor has declared a state of emergency
255 in a school district or as otherwise provided in Section 206,
256 Mississippi Constitution of 1890. The state board, in
257 establishing these standards, shall provide for notice to schools
258 and sufficient time and aid to enable schools to attempt to meet
259 these standards, unless procedures under subsection (15) of this
260 section have been invoked.

261 (11) Beginning July 1, 1998, the State Board of Education
262 shall be charged with the implementation of the program of
263 development in each applicable school district as follows:

264 (a) Develop an impairment report for each district
265 failing to meet accreditation standards in conjunction with school
266 district officials;



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

- (i) instruction; (ii) curriculum; (iii) professional development;
- (iv) personnel and classroom organization; (v) student incentives for performance; (vi) process deficiencies; and (vii) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision of the State Board of Education establishing the probationary period of time shall be final;

(c) Offer, during the probationary period, technical assistance to the school district in making corrective actions. Beginning July 1, 1998, subject to the availability of funds, the State Department of Education shall provide technical and/or



292 financial assistance to all such school districts in order to
293 implement each measure identified in that district's corrective
294 action plan through professional development and on-site
295 assistance. Each such school district shall apply for and utilize
296 all available federal funding in order to support its corrective
297 action plan in addition to state funds made available under this
298 paragraph;

299 (d) Assign department personnel or contract, in its
300 discretion, with the institutions of higher learning or other
301 appropriate private entities with experience in the academic,
302 finance and other operational functions of schools to assist
303 school districts;

304 (e) Provide for publication of public notice at least
305 one time during the probationary period, in a newspaper published
306 within the jurisdiction of the school district failing to meet
307 accreditation standards, or if no newspaper is published therein,
308 then in a newspaper having a general circulation therein. The
309 publication shall include the following: declaration of school
310 system's status as being on probation; all details relating to the
311 impairment report; and other information as the State Board of
312 Education deems appropriate. Public notices issued under this
313 section shall be subject to Section 13-3-31 and not contrary to
314 other laws regarding newspaper publication.

315 (12) (a) If the recommendations for corrective action are
316 not taken by the local school district or if the deficiencies are



317 not removed by the end of the probationary period, the Commission
318 on School Accreditation shall conduct a hearing to allow the
319 affected school district to present evidence or other reasons why
320 its accreditation should not be withdrawn. Additionally, if the
321 local school district violates accreditation standards that have
322 been determined by the policies and procedures of the State Board
323 of Education to be a basis for withdrawal of school district's
324 accreditation without a probationary period, the Commission on
325 School Accreditation shall conduct a hearing to allow the affected
326 school district to present evidence or other reasons why its
327 accreditation should not be withdrawn. After its consideration of
328 the results of the hearing, the Commission on School Accreditation
329 shall be authorized, with the approval of the State Board of
330 Education, to withdraw the accreditation of a public school
331 district, and issue a request to the Governor that a state of
332 emergency be declared in that district.

333 (b) If the State Board of Education and the Commission
334 on School Accreditation determine that an extreme emergency
335 situation exists in a school district that jeopardizes the safety,
336 security or educational interests of the children enrolled in the
337 schools in that district and that emergency situation is believed
338 to be related to a serious violation or violations of
339 accreditation standards or state or federal law, or when a school
340 district meets the State Board of Education's definition of a
341 failing school district for two (2) consecutive full school years,



or if more than fifty percent (50%) of the schools within the school district are designated as Schools At-Risk in any one (1) year, the State Board of Education may request the Governor to declare a state of emergency in that school district. For purposes of this paragraph, the declarations of a state of emergency shall not be limited to those instances when a school district's impairments are related to a lack of financial resources, but also shall include serious failure to meet minimum academic standards, as evidenced by a continued pattern of poor student performance.

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

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

(ii) Override any decision of the local school board or superintendent of education, or both, concerning the



367 management and operation of the school district, or initiate and
368 make decisions concerning the management and operation of the
369 school district;

370 (iii) Assign an interim conservator, or in its
371 discretion, contract with a private entity with experience in the
372 academic, finance and other operational functions of schools and
373 school districts, who will have those powers and duties prescribed
374 in subsection (15) of this section;

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

379 (v) For states of emergency declared under
380 paragraph (a) only, if the accreditation deficiencies are related
381 to the fact that the school district is too small, with too few
382 resources, to meet the required standards and if another school
383 district is willing to accept those students, abolish that
384 district and assign that territory to another school district or
385 districts. If the school district has proposed a voluntary
386 consolidation with another school district or districts, then if
387 the State Board of Education finds that it is in the best interest
388 of the pupils of the district for the consolidation to proceed,
389 the voluntary consolidation shall have priority over any such
390 assignment of territory by the State Board of Education;



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

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

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

(e) The parent or legal guardian of a school-age child who is enrolled in a school district whose accreditation has been withdrawn by the Commission on School Accreditation and without approval of that school district may file a petition in writing to a school district accredited by the Commission on School Accreditation for a legal transfer. The school district accredited by the Commission on School Accreditation may grant the transfer according to the procedures of Section 37-15-31(1)(b). In the event the accreditation of the student's home district is



restored after a transfer has been approved, the student may continue to attend the transferee school district. The per-pupil amount of the adequate education program allotment, including the collective "add-on program" costs for the student's home school district shall be transferred monthly to the school district accredited by the Commission on School Accreditation that has granted the transfer of the school-age child.

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

(g) There is established a Mississippi Recovery School District within the State Department of Education under the supervision of a deputy superintendent appointed by the State Superintendent of Public Education, who is subject to the approval by the State Board of Education. The Mississippi Recovery School District shall provide leadership and oversight of all school districts that are subject to state conservatorship, as defined in



441 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall
442 have all the authority granted under these two (2) chapters. The
443 Mississippi Department of Education, with the approval of the
444 State Board of Education, shall develop policies for the operation
445 and management of the Mississippi Recovery School District. The
446 deputy state superintendent is responsible for the Mississippi
447 Recovery School District and shall be authorized to oversee the
448 administration of the Mississippi Recovery School District,
449 oversee conservators assigned by the State Board of Education to a
450 local school district, hear appeals from school districts under
451 conservatorship that would normally be filed by students, parents
452 or employees and heard by a local school board, which hearings on
453 appeal shall be conducted in a prompt and timely manner in the
454 school district from which the appeal originated in order to
455 ensure the ability of appellants, other parties and witnesses to
456 appeal without undue burden of travel costs or loss of time from
457 work, and perform other related duties as assigned by the State
458 Superintendent of Public Education. The deputy state
459 superintendent is responsible for the Mississippi Recovery School
460 District and shall determine, based on rigorous professional
461 qualifications set by the State Board of Education, the
462 appropriate individuals to be engaged to be conservators and
463 financial advisors, if applicable, of all school districts subject
464 to state conservatorship. After State Board of Education



approval, these individuals shall be deemed independent contractors.

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

The notice also shall include, in the discretion of the State Board of Education, any or all details relating to the school district's emergency status, including the declaration of a state of emergency in the school district and a description of the district's impairment deficiencies, conditions of any conservatorship and corrective actions recommended and being



490 taken. Public notices issued under this section shall be subject
491 to Section 13-3-31 and not contrary to other laws regarding
492 newspaper publication.

493 Upon termination of the state of emergency in a school
494 district, the Commission on School Accreditation shall cause
495 notice to be published in the school district in the same manner
496 provided in this section, to include any or all details relating
497 to the corrective action taken in the school district that
498 resulted in the termination of the state of emergency.

499 (14) The State Board of Education or the Commission on
500 School Accreditation shall have the authority to require school
501 districts to produce the necessary reports, correspondence,
502 financial statements, and any other documents and information
503 necessary to fulfill the requirements of this section.

504 Nothing in this section shall be construed to grant any
505 individual, corporation, board or conservator the authority to
506 levy taxes except in accordance with presently existing statutory
507 provisions.

508 (15) (a) Whenever the Governor declares a state of
509 emergency in a school district in response to a request made under
510 subsection (12) of this section, the State Board of Education, in
511 its discretion, may assign an interim conservator to the school
512 district, or in its discretion, may contract with an appropriate
513 private entity with experience in the academic, finance and other
514 operational functions of schools and school districts, who will be



515 responsible for the administration, management and operation of
516 the school district, including, but not limited to, the following
517 activities:

518 (i) Approving or disapproving all financial
519 obligations of the district, including, but not limited to, the
520 employment, termination, nonrenewal and reassignment of all
521 licensed and nonlicensed personnel, contractual agreements and
522 purchase orders, and approving or disapproving all claim dockets
523 and the issuance of checks; in approving or disapproving
524 employment contracts of superintendents, assistant superintendents
525 or principals, the interim conservator shall not be required to
526 comply with the time limitations prescribed in Sections 37-9-15
527 and 37-9-105;

528 (ii) Supervising the day-to-day activities of the
529 district's staff, including reassigning the duties and
530 responsibilities of personnel in a manner which, in the
531 determination of the conservator, will best suit the needs of the
532 district;

533 (iii) Reviewing the district's total financial
534 obligations and operations and making recommendations to the
535 district for cost savings, including, but not limited to,
536 reassigning the duties and responsibilities of staff;

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



539 (v) Approving or disapproving all athletic, band
540 and other extracurricular activities and any matters related to
541 those activities;

542 (vi) Maintaining a detailed account of
543 recommendations made to the district and actions taken in response
544 to those recommendations;

545 (vii) Reporting periodically to the State Board of
546 Education on the progress or lack of progress being made in the
547 district to improve the district's impairments during the state of
548 emergency; and

549 (viii) Appointing a parent advisory committee,
550 comprised of parents of students in the school district that may
551 make recommendations to the conservator concerning the
552 administration, management and operation of the school district.

553 Except when, in the determination of the State Board of
554 Education, the school district's impairment is related to a lack
555 of financial resources, the cost of the salary of the conservator
556 and any other actual and necessary costs related to the
557 conservatorship paid by the State Department of Education shall be
558 reimbursed by the local school district from funds other than
559 adequate education program funds. The department shall submit an
560 itemized statement to the superintendent of the local school
561 district for reimbursement purposes, and any unpaid balance may be
562 withheld from the district's adequate education program funds.



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

(b) In order to provide loans to school districts under a state of emergency or under conservatorship that have impairments related to a lack of financial resources, the School District Emergency Assistance Fund is created as a special fund in the State Treasury into which monies may be transferred or appropriated by the Legislature from any available public education funds. Funds in the School District Emergency Assistance Fund up to a maximum balance of Three Million Dollars (\$3,000,000.00) annually shall not lapse but shall be available for expenditure in subsequent years subject to approval of the State Board of Education. Any amount in the fund in excess of Three Million Dollars (\$3,000,000.00) at the end of the fiscal year shall lapse into the State General Fund or the Education Enhancement Fund, depending on the source of the fund.

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



the school district and the State Board of Education and shall be repayable in principal, without necessity of interest, to the School District Emergency Assistance Fund by the school district from any allowable funds that are available. The total amount loaned to the district shall be due and payable within five (5) years after the impairments related to a lack of financial resources are corrected. If a school district fails to make payments on the loan in accordance with the terms of the agreement between the district and the State Board of Education, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may withhold that district's adequate education program funds in an amount and manner that will effectuate repayment consistent with the terms of the agreement; the funds withheld by the department shall be deposited into the School District Emergency Assistance Fund.

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



613 State Auditor or the State Board of Education from the surety
614 bonds of school officials or from any civil action brought under
615 this subsection shall be applied toward the repayment of any loan
616 made to a school district hereunder.

617 (16) If a majority of the membership of the school board of
618 any school district resigns from office, the State Board of
619 Education shall be authorized to assign an interim conservator,
620 who shall be responsible for the administration, management and
621 operation of the school district until the time as new board
622 members are selected or the Governor declares a state of emergency
623 in that school district under subsection (12), whichever occurs
624 first. In that case, the State Board of Education, acting through
625 the interim conservator, shall have all powers which were held by
626 the previously existing school board, and may take any action as
627 prescribed in Section 37-17-13 and/or one or more of the actions
628 authorized in this section.

629 (17) (a) If the Governor declares a state of emergency in a
630 school district, the State Board of Education may take all such
631 action pertaining to that school district as is authorized under
632 subsection (12) or (15) of this section, including the appointment
633 of an interim conservator. The State Board of Education shall
634 also have the authority to issue a written request with
635 documentation to the Governor asking that the office of the
636 superintendent of the school district be subject to recall. If
637 the Governor declares that the office of the superintendent of the



638 school district is subject to recall, the local school board or
639 the county election commission, as the case may be, shall take the
640 following action:

641 (i) If the office of superintendent is an elected
642 office, in those years in which there is no general election, the
643 name shall be submitted by the State Board of Education to the
644 county election commission, and the county election commission
645 shall submit the question at a special election to the voters
646 eligible to vote for the office of superintendent within the
647 county, and the special election shall be held within sixty (60)
648 days from notification by the State Board of Education. The
649 ballot shall read substantially as follows:

650 "Shall County Superintendent of Education _____ (here the
651 name of the superintendent shall be inserted) of the _____
652 (here the title of the school district shall be inserted) be
653 retained in office? Yes _____ No _____"

654 If a majority of those voting on the question votes against
655 retaining the superintendent in office, a vacancy shall exist
656 which shall be filled in the manner provided by law; otherwise,
657 the superintendent shall remain in office for the term of that
658 office, and at the expiration of the term shall be eligible for
659 qualification and election to another term or terms.

660 (ii) If the office of superintendent is an
661 appointive office, the name of the superintendent shall be
662 submitted by the president of the local school board at the next



663 regular meeting of the school board for retention in office or
664 dismissal from office. If a majority of the school board voting
665 on the question vote against retaining the superintendent in
666 office, a vacancy shall exist which shall be filled as provided by
667 law, otherwise the superintendent shall remain in office for the
668 duration of his employment contract.

669 (b) The State Board of Education may issue a written
670 request with documentation to the Governor asking that the
671 membership of the school board of the school district shall be
672 subject to recall. Whenever the Governor declares that the
673 membership of the school board is subject to recall, the county
674 election commission or the local governing authorities, as the
675 case may be, shall take the following action:

676 (i) If the members of the local school board are
677 elected to office, in those years in which the specific member's
678 office is not up for election, the name of the school board member
679 shall be submitted by the State Board of Education to the county
680 election commission, and the county election commission at a
681 special election shall submit the question to the voters eligible
682 to vote for the particular member's office within the county or
683 school district, as the case may be, and the special election
684 shall be held within sixty (60) days from notification by the
685 State Board of Education. The ballot shall read substantially as
686 follows:



687 "Members of the _____ (here the title of the school
688 district shall be inserted) School Board who are not up for
689 election this year are subject to recall because of the school
690 district's failure to meet critical accountability standards as
691 defined in the letter of notification to the Governor from the
692 State Board of Education. Shall the member of the school board
693 representing this area, _____ (here the name of the school
694 board member holding the office shall be inserted), be retained in
695 office? Yes _____ No _____"

696 If a majority of those voting on the question vote against
697 retaining the member of the school board in office, a vacancy in
698 that board member's office shall exist, which shall be filled in
699 the manner provided by law; otherwise, the school board member
700 shall remain in office for the term of that office, and at the
701 expiration of the term of office, the member shall be eligible for
702 qualification and election to another term or terms of office.
703 However, if a majority of the school board members are recalled in
704 the special election, the Governor shall authorize the board of
705 supervisors of the county in which the school district is situated
706 to appoint members to fill the offices of the members recalled.
707 The board of supervisors shall make those appointments in the
708 manner provided by law for filling vacancies on the school board,
709 and the appointed members shall serve until the office is filled
710 at the next regular special election or general election.



711 (ii) If the local school board is an appointed
712 school board, the name of all school board members shall be
713 submitted as a collective board by the president of the municipal
714 or county governing authority, as the case may be, at the next
715 regular meeting of the governing authority for retention in office
716 or dismissal from office. If a majority of the governing
717 authority voting on the question vote against retaining the board
718 in office, a vacancy shall exist in each school board member's
719 office, which shall be filled as provided by law; otherwise, the
720 members of the appointed school board shall remain in office for
721 the duration of their term of appointment, and those members may
722 be reappointed.

723 (iii) If the local school board is comprised of
724 both elected and appointed members, the elected members shall be
725 subject to recall in the manner provided in subparagraph (i) of
726 this * * * paragraph (b), and the appointed members shall be
727 subject to recall in the manner provided in subparagraph (ii).

728 (18) Beginning with the school district audits conducted for
729 the 1997-1998 fiscal year, the State Board of Education, acting
730 through the Commission on School Accreditation, shall require each
731 school district to comply with standards established by the State
732 Department of Audit for the verification of fixed assets and the
733 auditing of fixed assets records as a minimum requirement for
734 accreditation.



735 (19) Before December 1, 1999, the State Board of Education
736 shall recommend a program to the Education Committees of the House
737 of Representatives and the Senate for identifying and rewarding
738 public schools that improve or are high performing. The program
739 shall be described by the board in a written report, which shall
740 include criteria and a process through which improving schools and
741 high-performing schools will be identified and rewarded.

742 The State Superintendent of Public Education and the State
743 Board of Education also shall develop a comprehensive
744 accountability plan to ensure that local school boards,
745 superintendents, principals and teachers are held accountable for
746 student achievement. A written report on the accountability plan
747 shall be submitted to the Education Committees of both houses of
748 the Legislature before December 1, 1999, with any necessary
749 legislative recommendations.

750 (20) Before January 1, 2008, the State Board of Education
751 shall evaluate and submit a recommendation to the Education
752 Committees of the House of Representatives and the Senate on
753 inclusion of graduation rate and dropout rate in the school level
754 accountability system.

755 (21) If a local school district is determined as failing and
756 placed into conservatorship for reasons authorized by the
757 provisions of this section, the conservator appointed to the
758 district shall, within forty-five (45) days after being appointed,
759 present a detailed and structured corrective action plan to move



760 the local school district out of conservatorship status to the
761 local school board and local superintendent of education if they
762 have not been removed by the conservator, or if the board and
763 superintendent have been removed, to the local governing authority
764 of the municipality or county in which the school district under
765 conservatorship is located. A copy of the conservator's
766 corrective action plan shall also be filed with the State Board of
767 Education.

768 **SECTION 2.** This act shall take effect and be in force from
769 and after July 1, 2016.

