

By: Representative Moore

To: Education

HOUSE BILL NO. 872

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
 2 REQUIRE THE COMMISSION ON SCHOOL ACCREDITATION, ACTING THROUGH THE
 3 STATE BOARD OF EDUCATION, TO AUTHORIZE THE APPROVAL OF CERTIFIED
 4 TEACHER UNITS, FOR PURPOSES OF ACCREDITATION AND FUNDING, TO
 5 SCHOOL DISTRICTS WITH A REDUCED NUMBER OF CERTIFIED TEACHING
 6 PROFESSIONALS IN A SCHOOL, PROVIDED THAT A CERTIFIED TEACHING
 7 PROFESSIONAL IS PLACED IN THE CLASSROOM WITH A NONCERTIFIED
 8 TEACHER BY THE DEPARTMENT OF BY THE DISTRICT; AND FOR RELATED
 9 PURPOSES.

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

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

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

18 (2) No later than June 30, 1995, the State Board of
 19 Education, acting through the Commission on School Accreditation,
 20 shall require school districts to provide school classroom space



21 that is air-conditioned as a minimum requirement for
22 accreditation.

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

27	Number of Students	Number of Certified
28	Per School Library	School Librarians
29	0 - 499 Students	1/2 Full-time Equivalent
30		Certified Librarian
31	500 or More Students	1 Full-time Certified
32		Librarian

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

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

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



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

47 (f) Any additional millage levied to fund school
48 librarians required for accreditation under this subsection shall
49 be included in the tax increase limitation set forth in Sections
50 37-57-105 and 37-57-107 and shall not be deemed a new program for
51 purposes of the limitation.

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

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

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

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

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

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



67 (f) A determination of which schools exceed their
68 standards and a plan for providing recognition and rewards to
69 those schools;

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



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

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



116 (i) The State Board of Education may, based on a
117 written request that contains specific reasons for requesting a
118 waiver from the school districts affected by Hurricane Katrina of
119 2005, hold harmless school districts from assignment of district
120 and school level accountability ratings for the 2005-2006 school
121 year. The State Board of Education upon finding an extreme
122 hardship in the school district may grant the request. It is the
123 intent of the Legislature that all school districts maintain the
124 highest possible academic standards and instructional programs in
125 all schools as required by law and the State Board of Education.

126 (5) (a) Effective with the 2013-2014 school year, the State
127 Department of Education, acting through the Mississippi Commission
128 on School Accreditation, shall revise and implement a single "A"
129 through "F" school and school district accountability system
130 complying with applicable federal and state requirements in order
131 to reach the following educational goals:

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

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

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



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

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

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

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

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

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



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

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

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

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

180 (ix) The State Department of Education shall
181 determine feeder patterns of schools that do not earn a school
182 grade because the grades and subjects taught at the school do not
183 have statewide standardized assessments needed to calculate a
184 school grade. Upon determination of the feeder pattern, the
185 department shall notify schools and school districts prior to the
186 release of the school grades beginning in 2013. Feeder schools
187 will be assigned the accountability designation of the school to
188 which they provide students;



189 (x) Standards for student, school and school
190 district performance will be increased when student proficiency is
191 at a seventy-five percent (75%) and/or when sixty-five percent
192 (65%) of the schools and/or school districts are earning a grade
193 of "B" or higher, in order to raise the standard on performance
194 after targets are met.

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

198 (7) The State Board of Education shall create an
199 accreditation audit unit under the Commission on School
200 Accreditation to determine whether schools are complying with
201 accreditation standards.

202 (8) The State Board of Education shall be specifically
203 authorized and empowered to withhold adequate education program
204 fund allocations, whichever is applicable, to any public school
205 district for failure to timely report student, school personnel
206 and fiscal data necessary to meet state and/or federal
207 requirements.

208 (9) [Deleted]

209 (10) The State Board of Education shall establish, for those
210 school districts failing to meet accreditation standards, a
211 program of development to be complied with in order to receive
212 state funds, except as otherwise provided in subsection (15) of
213 this section when the Governor has declared a state of emergency



214 in a school district or as otherwise provided in Section 206,
215 Mississippi Constitution of 1890. The state board, in
216 establishing these standards, shall provide for notice to schools
217 and sufficient time and aid to enable schools to attempt to meet
218 these standards, unless procedures under subsection (15) of this
219 section have been invoked.

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

223 (a) Develop an impairment report for each district
224 failing to meet accreditation standards in conjunction with school
225 district officials;

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

237 (i) instruction; (ii) curriculum; (iii) professional development;
238 (iv) personnel and classroom organization; (v) student incentives



239 for performance; (vi) process deficiencies; and (vii) reporting to
240 the local school board, parents and the community. The corrective
241 action plan shall describe the specific individuals responsible
242 for implementing each component of the recommendation and how each
243 will be evaluated. All corrective action plans shall be provided
244 to the State Board of Education as may be required. The decision
245 of the State Board of Education establishing the probationary
246 period of time shall be final;

247 (c) Offer, during the probationary period, technical
248 assistance to the school district in making corrective actions.
249 Beginning July 1, 1998, subject to the availability of funds, the
250 State Department of Education shall provide technical and/or
251 financial assistance to all such school districts in order to
252 implement each measure identified in that district's corrective
253 action plan through professional development and on-site
254 assistance. Each such school district shall apply for and utilize
255 all available federal funding in order to support its corrective
256 action plan in addition to state funds made available under this
257 paragraph;

258 (d) Assign department personnel or contract, in its
259 discretion, with the institutions of higher learning or other
260 appropriate private entities with experience in the academic,
261 finance and other operational functions of schools to assist
262 school districts;



263 (e) Provide for publication of public notice at least
264 one time during the probationary period, in a newspaper published
265 within the jurisdiction of the school district failing to meet
266 accreditation standards, or if no newspaper is published therein,
267 then in a newspaper having a general circulation therein. The
268 publication shall include the following: declaration of school
269 system's status as being on probation; all details relating to the
270 impairment report; and other information as the State Board of
271 Education deems appropriate. Public notices issued under this
272 section shall be subject to Section 13-3-31 and not contrary to
273 other laws regarding newspaper publication.

274 (12) (a) If the recommendations for corrective action are
275 not taken by the local school district or if the deficiencies are
276 not removed by the end of the probationary period, the Commission
277 on School Accreditation shall conduct a hearing to allow the
278 affected school district to present evidence or other reasons why
279 its accreditation should not be withdrawn. Additionally, if the
280 local school district violates accreditation standards that have
281 been determined by the policies and procedures of the State Board
282 of Education to be a basis for withdrawal of school district's
283 accreditation without a probationary period, the Commission on
284 School Accreditation shall conduct a hearing to allow the affected
285 school district to present evidence or other reasons why its
286 accreditation should not be withdrawn. After its consideration of
287 the results of the hearing, the Commission on School Accreditation



288 shall be authorized, with the approval of the State Board of
289 Education, to withdraw the accreditation of a public school
290 district, and issue a request to the Governor that a state of
291 emergency be declared in that district.

292 (b) If the State Board of Education and the Commission
293 on School Accreditation determine that an extreme emergency
294 situation exists in a school district that jeopardizes the safety,
295 security or educational interests of the children enrolled in the
296 schools in that district and that emergency situation is believed
297 to be related to a serious violation or violations of
298 accreditation standards or state or federal law, or when a school
299 district meets the State Board of Education's definition of a
300 failing school district for two (2) consecutive full school years,
301 or if more than fifty percent (50%) of the schools within the
302 school district are designated as Schools At-Risk in any one (1)
303 year, the State Board of Education may request the Governor to
304 declare a state of emergency in that school district. For
305 purposes of this paragraph, the declarations of a state of
306 emergency shall not be limited to those instances when a school
307 district's impairments are related to a lack of financial
308 resources, but also shall include serious failure to meet minimum
309 academic standards, as evidenced by a continued pattern of poor
310 student performance.

311 (c) Whenever the Governor declares a state of emergency
312 in a school district in response to a request made under paragraph



313 (a) or (b) of this subsection, the State Board of Education may
314 take one or more of the following actions:

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

324 (ii) Override any decision of the local school
325 board or superintendent of education, or both, concerning the
326 management and operation of the school district, or initiate and
327 make decisions concerning the management and operation of the
328 school district;

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

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



338 (v) For states of emergency declared under
339 paragraph (a) only, if the accreditation deficiencies are related
340 to the fact that the school district is too small, with too few
341 resources, to meet the required standards and if another school
342 district is willing to accept those students, abolish that
343 district and assign that territory to another school district or
344 districts. If the school district has proposed a voluntary
345 consolidation with another school district or districts, then if
346 the State Board of Education finds that it is in the best interest
347 of the pupils of the district for the consolidation to proceed,
348 the voluntary consolidation shall have priority over any such
349 assignment of territory by the State Board of Education;

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

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

361 (d) At the time that satisfactory corrective action has
362 been taken in a school district in which a state of emergency has



363 been declared, the State Board of Education may request the
364 Governor to declare that the state of emergency no longer exists
365 in the district.

366 (e) The parent or legal guardian of a school-age child
367 who is enrolled in a school district whose accreditation has been
368 withdrawn by the Commission on School Accreditation and without
369 approval of that school district may file a petition in writing to
370 a school district accredited by the Commission on School
371 Accreditation for a legal transfer. The school district
372 accredited by the Commission on School Accreditation may grant the
373 transfer according to the procedures of Section 37-15-31(1)(b).
374 In the event the accreditation of the student's home district is
375 restored after a transfer has been approved, the student may
376 continue to attend the transferee school district. The per-pupil
377 amount of the adequate education program allotment, including the
378 collective "add-on program" costs for the student's home school
379 district shall be transferred monthly to the school district
380 accredited by the Commission on School Accreditation that has
381 granted the transfer of the school-age child.

382 (f) Upon the declaration of a state of emergency for
383 any school district in which the Governor has previously declared
384 a state of emergency, the State Board of Education may either (i)
385 establish a conservatorship or (ii) abolish the school district
386 and administratively consolidate the school district with one or
387 more existing school districts or (iii) reduce the size of the



388 district and administratively consolidate parts of the district,
389 as determined by the State Board of Education; provided, however,
390 that no school district which is not under conservatorship shall
391 be required to accept additional territory over the objection of
392 the district.

393 (g) There is established a Mississippi Recovery School
394 District within the State Department of Education under the
395 supervision of a deputy superintendent appointed by the State
396 Superintendent of Public Education, who is subject to the approval
397 by the State Board of Education. The Mississippi Recovery School
398 District shall provide leadership and oversight of all school
399 districts that are subject to state conservatorship, as defined in
400 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall
401 have all the authority granted under these two (2) chapters. The
402 Mississippi Department of Education, with the approval of the
403 State Board of Education, shall develop policies for the operation
404 and management of the Mississippi Recovery School District. The
405 deputy state superintendent is responsible for the Mississippi
406 Recovery School District and shall be authorized to oversee the
407 administration of the Mississippi Recovery School District,
408 oversee conservators assigned by the State Board of Education to a
409 local school district, hear appeals from school districts under
410 conservatorship that would normally be filed by students, parents
411 or employees and heard by a local school board, which hearings on
412 appeal shall be conducted in a prompt and timely manner in the



413 school district from which the appeal originated in order to
414 ensure the ability of appellants, other parties and witnesses to
415 appeal without undue burden of travel costs or loss of time from
416 work, and perform other related duties as assigned by the State
417 Superintendent of Public Education. The deputy state
418 superintendent is responsible for the Mississippi Recovery School
419 District and shall determine, based on rigorous professional
420 qualifications set by the State Board of Education, the
421 appropriate individuals to be engaged to be conservators and
422 financial advisors, if applicable, of all school districts subject
423 to state conservatorship. After State Board of Education
424 approval, these individuals shall be deemed independent
425 contractors.

426 (13) Upon the declaration of a state of emergency in a
427 school district under subsection (12) of this section, the
428 Commission on School Accreditation shall be responsible for public
429 notice at least once a week for at least three (3) consecutive
430 weeks in a newspaper published within the jurisdiction of the
431 school district failing to meet accreditation standards, or if no
432 newspaper is published therein, then in a newspaper having a
433 general circulation therein. The size of the notice shall be no
434 smaller than one-fourth (1/4) of a standard newspaper page and
435 shall be printed in bold print. If a conservator has been
436 appointed for the school district, the notice shall begin as
437 follows: "By authority of Section 37-17-6, Mississippi Code of



438 1972, as amended, adopted by the Mississippi Legislature during
439 the 1991 Regular Session, this school district (name of school
440 district) is hereby placed under the jurisdiction of the State
441 Department of Education acting through its appointed conservator
442 (name of conservator)."

443 The notice also shall include, in the discretion of the State
444 Board of Education, any or all details relating to the school
445 district's emergency status, including the declaration of a state
446 of emergency in the school district and a description of the
447 district's impairment deficiencies, conditions of any
448 conservatorship and corrective actions recommended and being
449 taken. Public notices issued under this section shall be subject
450 to Section 13-3-31 and not contrary to other laws regarding
451 newspaper publication.

452 Upon termination of the state of emergency in a school
453 district, the Commission on School Accreditation shall cause
454 notice to be published in the school district in the same manner
455 provided in this section, to include any or all details relating
456 to the corrective action taken in the school district that
457 resulted in the termination of the state of emergency.

458 (14) The State Board of Education or the Commission on
459 School Accreditation shall have the authority to require school
460 districts to produce the necessary reports, correspondence,
461 financial statements, and any other documents and information
462 necessary to fulfill the requirements of this section.



463 Nothing in this section shall be construed to grant any
464 individual, corporation, board or conservator the authority to
465 levy taxes except in accordance with presently existing statutory
466 provisions.

467 (15) (a) Whenever the Governor declares a state of
468 emergency in a school district in response to a request made under
469 subsection (12) of this section, the State Board of Education, in
470 its discretion, may assign an interim conservator to the school
471 district, or in its discretion, may contract with an appropriate
472 private entity with experience in the academic, finance and other
473 operational functions of schools and school districts, who will be
474 responsible for the administration, management and operation of
475 the school district, including, but not limited to, the following
476 activities:

477 (i) Approving or disapproving all financial
478 obligations of the district, including, but not limited to, the
479 employment, termination, nonrenewal and reassignment of all
480 licensed and nonlicensed personnel, contractual agreements and
481 purchase orders, and approving or disapproving all claim dockets
482 and the issuance of checks; in approving or disapproving
483 employment contracts of superintendents, assistant superintendents
484 or principals, the interim conservator shall not be required to
485 comply with the time limitations prescribed in Sections 37-9-15
486 and 37-9-105;



487 (ii) Supervising the day-to-day activities of the
488 district's staff, including reassigning the duties and
489 responsibilities of personnel in a manner which, in the
490 determination of the conservator, will best suit the needs of the
491 district;

492 (iii) Reviewing the district's total financial
493 obligations and operations and making recommendations to the
494 district for cost savings, including, but not limited to,
495 reassigning the duties and responsibilities of staff;

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

498 (v) Approving or disapproving all athletic, band
499 and other extracurricular activities and any matters related to
500 those activities;

501 (vi) Maintaining a detailed account of
502 recommendations made to the district and actions taken in response
503 to those recommendations;

504 (vii) Reporting periodically to the State Board of
505 Education on the progress or lack of progress being made in the
506 district to improve the district's impairments during the state of
507 emergency; and

508 (viii) Appointing a parent advisory committee,
509 comprised of parents of students in the school district that may
510 make recommendations to the conservator concerning the
511 administration, management and operation of the school district.



512 The cost of the salary of the conservator and any other
513 actual and necessary costs related to the conservatorship paid by
514 the State Department of Education shall be reimbursed by the local
515 school district from funds other than adequate education program
516 funds. The department shall submit an itemized statement to the
517 superintendent of the local school district for reimbursement
518 purposes, and any unpaid balance may be withheld from the
519 district's adequate education program funds.

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

525 (b) In order to provide loans to school districts under
526 a state of emergency or under conservatorship that have
527 impairments related to a lack of financial resources, the School
528 District Emergency Assistance Fund is created as a special fund in
529 the State Treasury into which monies may be transferred or
530 appropriated by the Legislature from any available public
531 education funds. Funds in the School District Emergency
532 Assistance Fund up to a maximum balance of Three Million Dollars
533 (\$3,000,000.00) annually shall not lapse but shall be available
534 for expenditure in subsequent years subject to approval of the
535 State Board of Education. Any amount in the fund in excess of
536 Three Million Dollars (\$3,000,000.00) at the end of the fiscal



537 year shall lapse into the State General Fund or the Education
538 Enhancement Fund, depending on the source of the fund.

539 The State Board of Education may loan monies from the School
540 District Emergency Assistance Fund to a school district that is
541 under a state of emergency or under conservatorship, in those
542 amounts, as determined by the board, that are necessary to correct
543 the district's impairments related to a lack of financial
544 resources. The loans shall be evidenced by an agreement between
545 the school district and the State Board of Education and shall be
546 repayable in principal, without necessity of interest, to the
547 School District Emergency Assistance Fund by the school district
548 from any allowable funds that are available. The total amount
549 loaned to the district shall be due and payable within five (5)
550 years after the impairments related to a lack of financial
551 resources are corrected. If a school district fails to make
552 payments on the loan in accordance with the terms of the agreement
553 between the district and the State Board of Education, the State
554 Department of Education, in accordance with rules and regulations
555 established by the State Board of Education, may withhold that
556 district's adequate education program funds in an amount and
557 manner that will effectuate repayment consistent with the terms of
558 the agreement; the funds withheld by the department shall be
559 deposited into the School District Emergency Assistance Fund.

560 The State Board of Education shall develop a protocol that
561 will outline the performance standards and requisite time line



562 deemed necessary for extreme emergency measures. If the State
563 Board of Education determines that an extreme emergency exists,
564 simultaneous with the powers exercised in this subsection, it
565 shall take immediate action against all parties responsible for
566 the affected school districts having been determined to be in an
567 extreme emergency. The action shall include, but not be limited
568 to, initiating civil actions to recover funds and criminal actions
569 to account for criminal activity. Any funds recovered by the
570 State Auditor or the State Board of Education from the surety
571 bonds of school officials or from any civil action brought under
572 this subsection shall be applied toward the repayment of any loan
573 made to a school district hereunder.

574 (16) If a majority of the membership of the school board of
575 any school district resigns from office, the State Board of
576 Education shall be authorized to assign an interim conservator,
577 who shall be responsible for the administration, management and
578 operation of the school district until the time as new board
579 members are selected or the Governor declares a state of emergency
580 in that school district under subsection (12), whichever occurs
581 first. In that case, the State Board of Education, acting through
582 the interim conservator, shall have all powers which were held by
583 the previously existing school board, and may take any action as
584 prescribed in Section 37-17-13 and/or one or more of the actions
585 authorized in this section.



586 (17) (a) If the Governor declares a state of emergency in a
587 school district, the State Board of Education may take all such
588 action pertaining to that school district as is authorized under
589 subsection (12) or (15) of this section, including the appointment
590 of an interim conservator. The State Board of Education shall
591 also have the authority to issue a written request with
592 documentation to the Governor asking that the office of the
593 superintendent of the school district be subject to recall. If
594 the Governor declares that the office of the superintendent of the
595 school district is subject to recall, the local school board or
596 the county election commission, as the case may be, shall take the
597 following action:

598 (i) If the office of superintendent is an elected
599 office, in those years in which there is no general election, the
600 name shall be submitted by the State Board of Education to the
601 county election commission, and the county election commission
602 shall submit the question at a special election to the voters
603 eligible to vote for the office of superintendent within the
604 county, and the special election shall be held within sixty (60)
605 days from notification by the State Board of Education. The
606 ballot shall read substantially as follows:

607 "Shall County Superintendent of Education _____ (here the
608 name of the superintendent shall be inserted) of the _____
609 (here the title of the school district shall be inserted) be
610 retained in office? Yes _____ No _____"



611 If a majority of those voting on the question votes against
612 retaining the superintendent in office, a vacancy shall exist
613 which shall be filled in the manner provided by law; otherwise,
614 the superintendent shall remain in office for the term of that
615 office, and at the expiration of the term shall be eligible for
616 qualification and election to another term or terms.

617 (ii) If the office of superintendent is an
618 appointive office, the name of the superintendent shall be
619 submitted by the president of the local school board at the next
620 regular meeting of the school board for retention in office or
621 dismissal from office. If a majority of the school board voting
622 on the question vote against retaining the superintendent in
623 office, a vacancy shall exist which shall be filled as provided by
624 law, otherwise the superintendent shall remain in office for the
625 duration of his employment contract.

626 (b) The State Board of Education may issue a written
627 request with documentation to the Governor asking that the
628 membership of the school board of the school district shall be
629 subject to recall. Whenever the Governor declares that the
630 membership of the school board is subject to recall, the county
631 election commission or the local governing authorities, as the
632 case may be, shall take the following action:

633 (i) If the members of the local school board are
634 elected to office, in those years in which the specific member's
635 office is not up for election, the name of the school board member



636 shall be submitted by the State Board of Education to the county
637 election commission, and the county election commission at a
638 special election shall submit the question to the voters eligible
639 to vote for the particular member's office within the county or
640 school district, as the case may be, and the special election
641 shall be held within sixty (60) days from notification by the
642 State Board of Education. The ballot shall read substantially as
643 follows:

644 "Members of the _____ (here the title of the school
645 district shall be inserted) School Board who are not up for
646 election this year are subject to recall because of the school
647 district's failure to meet critical accountability standards as
648 defined in the letter of notification to the Governor from the
649 State Board of Education. Shall the member of the school board
650 representing this area, _____ (here the name of the school
651 board member holding the office shall be inserted), be retained in
652 office? Yes _____ No _____"

653 If a majority of those voting on the question vote against
654 retaining the member of the school board in office, a vacancy in
655 that board member's office shall exist, which shall be filled in
656 the manner provided by law; otherwise, the school board member
657 shall remain in office for the term of that office, and at the
658 expiration of the term of office, the member shall be eligible for
659 qualification and election to another term or terms of office.
660 However, if a majority of the school board members are recalled in



661 the special election, the Governor shall authorize the board of
662 supervisors of the county in which the school district is situated
663 to appoint members to fill the offices of the members recalled.
664 The board of supervisors shall make those appointments in the
665 manner provided by law for filling vacancies on the school board,
666 and the appointed members shall serve until the office is filled
667 at the next regular special election or general election.

668 (ii) If the local school board is an appointed
669 school board, the name of all school board members shall be
670 submitted as a collective board by the president of the municipal
671 or county governing authority, as the case may be, at the next
672 regular meeting of the governing authority for retention in office
673 or dismissal from office. If a majority of the governing
674 authority voting on the question vote against retaining the board
675 in office, a vacancy shall exist in each school board member's
676 office, which shall be filled as provided by law; otherwise, the
677 members of the appointed school board shall remain in office for
678 the duration of their term of appointment, and those members may
679 be reappointed.

680 (iii) If the local school board is comprised of
681 both elected and appointed members, the elected members shall be
682 subject to recall in the manner provided in subparagraph (i) of
683 this paragraph (b), and the appointed members shall be subject to
684 recall in the manner provided in subparagraph (ii).



685 (18) Beginning with the school district audits conducted for
686 the 1997-1998 fiscal year, the State Board of Education, acting
687 through the Commission on School Accreditation, shall require each
688 school district to comply with standards established by the State
689 Department of Audit for the verification of fixed assets and the
690 auditing of fixed assets records as a minimum requirement for
691 accreditation.

692 (19) Before December 1, 1999, the State Board of Education
693 shall recommend a program to the Education Committees of the House
694 of Representatives and the Senate for identifying and rewarding
695 public schools that improve or are high performing. The program
696 shall be described by the board in a written report, which shall
697 include criteria and a process through which improving schools and
698 high-performing schools will be identified and rewarded.

699 The State Superintendent of Public Education and the State
700 Board of Education also shall develop a comprehensive
701 accountability plan to ensure that local school boards,
702 superintendents, principals and teachers are held accountable for
703 student achievement. A written report on the accountability plan
704 shall be submitted to the Education Committees of both houses of
705 the Legislature before December 1, 1999, with any necessary
706 legislative recommendations.

707 (20) Before January 1, 2008, the State Board of Education
708 shall evaluate and submit a recommendation to the Education
709 Committees of the House of Representatives and the Senate on



710 inclusion of graduation rate and dropout rate in the school level
711 accountability system.

712 (21) If a local school district is determined as failing and
713 placed into conservatorship for reasons authorized by the
714 provisions of this section, the conservator appointed to the
715 district shall, within forty-five (45) days after being appointed,
716 present a detailed and structured corrective action plan to move
717 the local school district out of conservatorship status to the
718 local school board and local superintendent of education if they
719 have not been removed by the conservator, or if the board and
720 superintendent have been removed, to the local governing authority
721 of the municipality or county in which the school district under
722 conservatorship is located. A copy of the conservator's
723 corrective action plan shall also be filed with the State Board of
724 Education.

725 (22) Beginning with the 2016-2017 school year, Commission on
726 School Accreditation, acting through the State Board of Education,
727 shall authorize the approval of certified teacher units, for
728 purposes of accreditation and funding, to school districts with a
729 reduced number of certified teaching professionals in a school,
730 provided that a certified teaching professional is placed, by the
731 department of by the district, in the classroom with a
732 noncertified teacher for a minimum of three (3) days per week for
733 thirty (30) weeks to assist with instruction and to provide
734 certification training. The school district shall be awarded one



735 (1) credit for a certified teacher unit for each placement
736 completed as prescribed in this subsection.

737 **SECTION 2.** This act shall take effect and be in force from
738 and after July 1, 2017.

