

By: Representative Moore

To: Education

HOUSE BILL NO. 875

1 AN ACT TO AMEND SECTIONS 37-17-6, 37-17-13 AND 37-18-7,
 2 MISSISSIPPI CODE OF 1972, RELATING TO SCHOOL AND SCHOOL DISTRICT
 3 ACCREDITATION, TO REVISE THE DESIGNATION OF SCHOOLS AND SCHOOL
 4 DISTRICTS UNDER CONSERVATORSHIP AS SCHOOLS AND SCHOOL DISTRICTS IN
 5 DISTRICT TRANSFORMATION; TO RENAME THE TERM CONSERVATOR AS INTERIM
 6 SUPERINTENDENT; AND FOR RELATED PURPOSES.

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

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

10 37-17-6. (1) The State Board of Education, acting through
 11 the Commission on School Accreditation, shall establish and
 12 implement a permanent performance-based accreditation system, and
 13 all noncharter public elementary and secondary schools shall be
 14 accredited under this system.

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

67 (g) A determination of which schools are failing to
68 meet their standards and a determination of the appropriate role



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



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

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

113 (i) The State Board of Education may, based on a
114 written request that contains specific reasons for requesting a
115 waiver from the school districts affected by Hurricane Katrina of
116 2005, hold harmless school districts from assignment of district
117 and school level accountability ratings for the 2005-2006 school
118 year. The State Board of Education upon finding an extreme



119 hardship in the school district may grant the request. It is the
120 intent of the Legislature that all school districts maintain the
121 highest possible academic standards and instructional programs in
122 all schools as required by law and the State Board of Education.

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

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

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

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

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

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



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

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

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

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

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

165 (vi) The system shall include the federally
166 compliant four-year graduation rate in school and school district
167 accountability system calculations. Graduation rate will apply to



168 high school and school district accountability ratings as a
169 compensatory component. The system shall discontinue the use of
170 the High School Completer Index (HSCI);

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

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

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

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



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

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

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

205 (9) [Deleted]

206 (10) The State Board of Education shall establish, for those
207 school districts failing to meet accreditation standards, a
208 program of development to be complied with in order to receive
209 state funds, except as otherwise provided in subsection (15) of
210 this section when the Governor has declared a state of emergency
211 in a school district or as otherwise provided in Section 206,
212 Mississippi Constitution of 1890. The state board, in
213 establishing these standards, shall provide for notice to schools
214 and sufficient time and aid to enable schools to attempt to meet
215 these standards, unless procedures under subsection (15) of this
216 section have been invoked.



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

220 (a) Develop an impairment report for each district
221 failing to meet accreditation standards in conjunction with school
222 district officials;

223 (b) Notify any applicable school district failing to
224 meet accreditation standards that it is on probation until
225 corrective actions are taken or until the deficiencies have been
226 removed. The local school district shall develop a corrective
227 action plan to improve its deficiencies. For district academic
228 deficiencies, the corrective action plan for each such school
229 district shall be based upon a complete analysis of the following:
230 student test data, student grades, student attendance reports,
231 student dropout data, existence and other relevant data. The
232 corrective action plan shall describe the specific measures to be
233 taken by the particular school district and school to improve:
234 (i) instruction; (ii) curriculum; (iii) professional development;
235 (iv) personnel and classroom organization; (v) student incentives
236 for performance; (vi) process deficiencies; and (vii) reporting to
237 the local school board, parents and the community. The corrective
238 action plan shall describe the specific individuals responsible
239 for implementing each component of the recommendation and how each
240 will be evaluated. All corrective action plans shall be provided
241 to the State Board of Education as may be required. The decision



242 of the State Board of Education establishing the probationary
243 period of time shall be final;

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

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

260 (e) Provide for publication of public notice at least
261 one time during the probationary period, in a newspaper published
262 within the jurisdiction of the school district failing to meet
263 accreditation standards, or if no newspaper is published therein,
264 then in a newspaper having a general circulation therein. The
265 publication shall include the following: declaration of school
266 system's status as being on probation; all details relating to the



267 impairment report; and other information as the State Board of
268 Education deems appropriate. Public notices issued under this
269 section shall be subject to Section 13-3-31 and not contrary to
270 other laws regarding newspaper publication.

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

289 (b) If the State Board of Education and the Commission
290 on School Accreditation determine that an extreme emergency
291 situation exists in a school district that jeopardizes the safety,



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

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

312 (i) Declare a state of emergency, under which some
313 or all of state funds can be escrowed except as otherwise provided
314 in Section 206, Constitution of 1890, until the board determines
315 corrective actions are being taken or the deficiencies have been
316 removed, or that the needs of students warrant the release of



317 funds. The funds may be released from escrow for any program
318 which the board determines to have been restored to standard even
319 though the state of emergency may not as yet be terminated for the
320 district as a whole;

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

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

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

335 (v) For states of emergency declared under
336 paragraph (a) only, if the accreditation deficiencies are related
337 to the fact that the school district is too small, with too few
338 resources, to meet the required standards and if another school
339 district is willing to accept those students, abolish that
340 district and assign that territory to another school district or
341 districts. If the school district has proposed a voluntary



342 consolidation with another school district or districts, then if
343 the State Board of Education finds that it is in the best interest
344 of the pupils of the district for the consolidation to proceed,
345 the voluntary consolidation shall have priority over any such
346 assignment of territory by the State Board of Education;

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

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

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

363 (e) The parent or legal guardian of a school-age child
364 who is enrolled in a school district whose accreditation has been
365 withdrawn by the Commission on School Accreditation and without
366 approval of that school district may file a petition in writing to



367 a school district accredited by the Commission on School
368 Accreditation for a legal transfer. The school district
369 accredited by the Commission on School Accreditation may grant the
370 transfer according to the procedures of Section 37-15-31(1)(b).
371 In the event the accreditation of the student's home district is
372 restored after a transfer has been approved, the student may
373 continue to attend the transferee school district. The per-pupil
374 amount of the adequate education program allotment, including the
375 collective "add-on program" costs for the student's home school
376 district shall be transferred monthly to the school district
377 accredited by the Commission on School Accreditation that has
378 granted the transfer of the school-age child.

379 (f) Upon the declaration of a state of emergency for
380 any school district in which the Governor has previously declared
381 a state of emergency, the State Board of Education may either:

382 (i) * * * Place the school district into district
383 transformation, in which the school district shall remain until it
384 has fulfilled all conditions related to district transformation.
385 If the district was assigned an accreditation rating of "D" or "F"
386 when placed into district transformation, the district shall be
387 eligible to return to local control when the school district has
388 attained a "C" rating or higher for five (5) consecutive
389 years; * * *



390 (ii) Abolish the school district and
391 administratively consolidate the school district with one or more
392 existing school districts * * *;

393 (iii) Reduce the size of the district and
394 administratively consolidate parts of the district, as determined
395 by the State Board of Education * * *. * * * However, * * * no
396 school district which is not * * * in district transformation
397 shall be required to accept additional territory over the
398 objection of the district; or

399 (iv) Require the school district to develop and
400 implement a district improvement plan with prescriptive guidance
401 and support from the State Department of Education, with the goal
402 of helping the district improve student achievement. Failure of
403 the school board, superintendent and school district staff to
404 implement the plan with fidelity and participate in the activities
405 provided as support by the department shall result in the school
406 district retaining its eligibility for district transformation.

407 (g) There is established a Mississippi Recovery School
408 District within the State Department of Education under the
409 supervision of a deputy superintendent appointed by the State
410 Superintendent of Public Education, who is subject to the approval
411 by the State Board of Education. The Mississippi Recovery School
412 District shall provide leadership and oversight of all school
413 districts that are subject to * * * district transformation, as
414 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,



415 and shall have all the authority granted under these two (2)
416 chapters. The Mississippi Department of Education, with the
417 approval of the State Board of Education, shall develop policies
418 for the operation and management of the Mississippi Recovery
419 School District. The deputy state superintendent is responsible
420 for the Mississippi Recovery School District and shall be
421 authorized to oversee the administration of the Mississippi
422 Recovery School District, oversee * * * interim superintendents
423 assigned by the State Board of Education to a local school
424 district, hear appeals * * * that would normally be filed by
425 students, parents or employees and heard by a local school board,
426 which hearings on appeal shall be conducted in a prompt and timely
427 manner in the school district from which the appeal originated in
428 order to ensure the ability of appellants, other parties and
429 witnesses to appeal without undue burden of travel costs or loss
430 of time from work, and perform other related duties as assigned by
431 the State Superintendent of Public Education. The deputy state
432 superintendent is responsible for the Mississippi Recovery School
433 District and shall determine, based on rigorous professional
434 qualifications set by the State Board of Education, the
435 appropriate individuals to be engaged to be * * * interim
436 superintendents and financial advisors, if applicable, of all
437 school districts subject to * * * district transformation. After
438 State Board of Education approval, these individuals shall be
439 deemed independent contractors.



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

458 The notice also shall include, in the discretion of the State
459 Board of Education, any or all details relating to the school
460 district's emergency status, including the declaration of a state
461 of emergency in the school district and a description of the
462 district's impairment deficiencies, conditions of any * * *
463 district transformation and corrective actions recommended and
464 being taken. Public notices issued under this section shall be



465 subject to Section 13-3-31 and not contrary to other laws
466 regarding newspaper publication.

467 Upon termination of the state of emergency in a school
468 district, the Commission on School Accreditation shall cause
469 notice to be published in the school district in the same manner
470 provided in this section, to include any or all details relating
471 to the corrective action taken in the school district that
472 resulted in the termination of the state of emergency.

473 (14) The State Board of Education or the Commission on
474 School Accreditation shall have the authority to require school
475 districts to produce the necessary reports, correspondence,
476 financial statements, and any other documents and information
477 necessary to fulfill the requirements of this section.

478 Nothing in this section shall be construed to grant any
479 individual, corporation, board or * * * interim superintendent the
480 authority to levy taxes except in accordance with presently
481 existing statutory provisions.

482 (15) (a) Whenever the Governor declares a state of
483 emergency in a school district in response to a request made under
484 subsection (12) of this section, the State Board of Education, in
485 its discretion, may assign an interim * * * superintendent to the
486 school district, or in its discretion, may contract with an
487 appropriate private entity with experience in the academic,
488 finance and other operational functions of schools and school
489 districts, who will be responsible for the administration,



490 management and operation of the school district, including, but
491 not limited to, the following activities:

492 (i) Approving or disapproving all financial
493 obligations of the district, including, but not limited to, the
494 employment, termination, nonrenewal and reassignment of all
495 licensed and nonlicensed personnel, contractual agreements and
496 purchase orders, and approving or disapproving all claim dockets
497 and the issuance of checks; in approving or disapproving
498 employment contracts of superintendents, assistant superintendents
499 or principals, the interim * * * superintendent shall not be
500 required to comply with the time limitations prescribed in
501 Sections 37-9-15 and 37-9-105;

502 (ii) Supervising the day-to-day activities of the
503 district's staff, including reassigning the duties and
504 responsibilities of personnel in a manner which, in the
505 determination of the * * * interim superintendent, will best suit
506 the needs of the district;

507 (iii) Reviewing the district's total financial
508 obligations and operations and making recommendations to the
509 district for cost savings, including, but not limited to,
510 reassigning the duties and responsibilities of staff;

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



513 (v) Approving or disapproving all athletic, band
514 and other extracurricular activities and any matters related to
515 those activities;

516 (vi) Maintaining a detailed account of
517 recommendations made to the district and actions taken in response
518 to those recommendations;

519 (vii) Reporting periodically to the State Board of
520 Education on the progress or lack of progress being made in the
521 district to improve the district's impairments during the state of
522 emergency; and

523 (viii) Appointing a parent advisory committee,
524 comprised of parents of students in the school district that may
525 make recommendations to the * * * interim superintendent
526 concerning the administration, management and operation of the
527 school district.

528 The cost of the salary of the * * * interim superintendent
529 and any other actual and necessary costs related to * * * district
530 transformation paid by the State Department of Education shall be
531 reimbursed by the local school district from funds other than
532 adequate education program funds. The department shall submit an
533 itemized statement to the superintendent of the local school
534 district for reimbursement purposes, and any unpaid balance may be
535 withheld from the district's adequate education program funds.

536 At the time that the Governor, in accordance with the request
537 of the State Board of Education, declares that the state of



538 emergency no longer exists in a school district, the powers and
539 responsibilities of the interim * * * superintendent assigned to
540 the district shall cease.

541 (b) In order to provide loans to school districts under
542 a state of emergency or * * * in district transformation that have
543 impairments related to a lack of financial resources, the School
544 District Emergency Assistance Fund is created as a special fund in
545 the State Treasury into which monies may be transferred or
546 appropriated by the Legislature from any available public
547 education funds. Funds in the School District Emergency
548 Assistance Fund up to a maximum balance of Three Million Dollars
549 (\$3,000,000.00) annually shall not lapse but shall be available
550 for expenditure in subsequent years subject to approval of the
551 State Board of Education. Any amount in the fund in excess of
552 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
553 year shall lapse into the State General Fund or the Education
554 Enhancement Fund, depending on the source of the fund.

555 The State Board of Education may loan monies from the School
556 District Emergency Assistance Fund to a school district that is
557 under a state of emergency or * * * in district transformation, in
558 those amounts, as determined by the board, that are necessary to
559 correct the district's impairments related to a lack of financial
560 resources. The loans shall be evidenced by an agreement between
561 the school district and the State Board of Education and shall be
562 repayable in principal, without necessity of interest, to the



563 School District Emergency Assistance Fund by the school district
564 from any allowable funds that are available. The total amount
565 loaned to the district shall be due and payable within five (5)
566 years after the impairments related to a lack of financial
567 resources are corrected. If a school district fails to make
568 payments on the loan in accordance with the terms of the agreement
569 between the district and the State Board of Education, the State
570 Department of Education, in accordance with rules and regulations
571 established by the State Board of Education, may withhold that
572 district's adequate education program funds in an amount and
573 manner that will effectuate repayment consistent with the terms of
574 the agreement; the funds withheld by the department shall be
575 deposited into the School District Emergency Assistance Fund.

576 The State Board of Education shall develop a protocol that
577 will outline the performance standards and requisite time line
578 deemed necessary for extreme emergency measures. If the State
579 Board of Education determines that an extreme emergency exists,
580 simultaneous with the powers exercised in this subsection, it
581 shall take immediate action against all parties responsible for
582 the affected school districts having been determined to be in an
583 extreme emergency. The action shall include, but not be limited
584 to, initiating civil actions to recover funds and criminal actions
585 to account for criminal activity. Any funds recovered by the
586 State Auditor or the State Board of Education from the surety
587 bonds of school officials or from any civil action brought under



588 this subsection shall be applied toward the repayment of any loan
589 made to a school district hereunder.

590 (16) If a majority of the membership of the school board of
591 any school district resigns from office, the State Board of
592 Education shall be authorized to assign an interim * * *
593 superintendent, who shall be responsible for the administration,
594 management and operation of the school district until the time as
595 new board members are selected or the Governor declares a state of
596 emergency in that school district under subsection (12), whichever
597 occurs first. In that case, the State Board of Education, acting
598 through the interim * * * superintendent, shall have all powers
599 which were held by the previously existing school board, and may
600 take any action as prescribed in Section 37-17-13 and/or one or
601 more of the actions authorized in this section.

602 (17) (a) If the Governor declares a state of emergency in a
603 school district, the State Board of Education may take all such
604 action pertaining to that school district as is authorized under
605 subsection (12) or (15) of this section, including the appointment
606 of an interim * * * superintendent. The State Board of Education
607 shall also have the authority to issue a written request with
608 documentation to the Governor asking that the office of the
609 superintendent of the school district be subject to recall. If
610 the Governor declares that the office of the superintendent of the
611 school district is subject to recall, the local school board or



612 the county election commission, as the case may be, shall take the
613 following action:

614 (i) If the office of superintendent is an elected
615 office, in those years in which there is no general election, the
616 name shall be submitted by the State Board of Education to the
617 county election commission, and the county election commission
618 shall submit the question at a special election to the voters
619 eligible to vote for the office of superintendent within the
620 county, and the special election shall be held within sixty (60)
621 days from notification by the State Board of Education. The
622 ballot shall read substantially as follows:

623 "Shall County Superintendent of Education _____ (here the
624 name of the superintendent shall be inserted) of the _____
625 (here the title of the school district shall be inserted) be
626 retained in office? Yes _____ No _____"

627 If a majority of those voting on the question votes against
628 retaining the superintendent in office, a vacancy shall exist
629 which shall be filled in the manner provided by law; otherwise,
630 the superintendent shall remain in office for the term of that
631 office, and at the expiration of the term shall be eligible for
632 qualification and election to another term or terms.

633 (ii) If the office of superintendent is an
634 appointive office, the name of the superintendent shall be
635 submitted by the president of the local school board at the next
636 regular meeting of the school board for retention in office or



637 dismissal from office. If a majority of the school board voting
638 on the question vote against retaining the superintendent in
639 office, a vacancy shall exist which shall be filled as provided by
640 law, otherwise the superintendent shall remain in office for the
641 duration of his employment contract.

642 (b) The State Board of Education may issue a written
643 request with documentation to the Governor asking that the
644 membership of the school board of the school district shall be
645 subject to recall. Whenever the Governor declares that the
646 membership of the school board is subject to recall, the county
647 election commission or the local governing authorities, as the
648 case may be, shall take the following action:

649 (i) If the members of the local school board are
650 elected to office, in those years in which the specific member's
651 office is not up for election, the name of the school board member
652 shall be submitted by the State Board of Education to the county
653 election commission, and the county election commission at a
654 special election shall submit the question to the voters eligible
655 to vote for the particular member's office within the county or
656 school district, as the case may be, and the special election
657 shall be held within sixty (60) days from notification by the
658 State Board of Education. The ballot shall read substantially as
659 follows:

660 "Members of the _____ (here the title of the school
661 district shall be inserted) School Board who are not up for



662 election this year are subject to recall because of the school
663 district's failure to meet critical accountability standards as
664 defined in the letter of notification to the Governor from the
665 State Board of Education. Shall the member of the school board
666 representing this area, _____ (here the name of the school
667 board member holding the office shall be inserted), be retained in
668 office? Yes _____ No _____"

669 If a majority of those voting on the question vote against
670 retaining the member of the school board in office, a vacancy in
671 that board member's office shall exist, which shall be filled in
672 the manner provided by law; otherwise, the school board member
673 shall remain in office for the term of that office, and at the
674 expiration of the term of office, the member shall be eligible for
675 qualification and election to another term or terms of office.
676 However, if a majority of the school board members are recalled in
677 the special election, the Governor shall authorize the board of
678 supervisors of the county in which the school district is situated
679 to appoint members to fill the offices of the members recalled.
680 The board of supervisors shall make those appointments in the
681 manner provided by law for filling vacancies on the school board,
682 and the appointed members shall serve until the office is filled
683 at the next regular special election or general election.

684 (ii) If the local school board is an appointed
685 school board, the name of all school board members shall be
686 submitted as a collective board by the president of the municipal



687 or county governing authority, as the case may be, at the next
688 regular meeting of the governing authority for retention in office
689 or dismissal from office. If a majority of the governing
690 authority voting on the question vote against retaining the board
691 in office, a vacancy shall exist in each school board member's
692 office, which shall be filled as provided by law; otherwise, the
693 members of the appointed school board shall remain in office for
694 the duration of their term of appointment, and those members may
695 be reappointed.

696 (iii) If the local school board is comprised of
697 both elected and appointed members, the elected members shall be
698 subject to recall in the manner provided in subparagraph (i) of
699 this paragraph (b), and the appointed members shall be subject to
700 recall in the manner provided in subparagraph (ii).

701 (18) Beginning with the school district audits conducted for
702 the 1997-1998 fiscal year, the State Board of Education, acting
703 through the Commission on School Accreditation, shall require each
704 school district to comply with standards established by the State
705 Department of Audit for the verification of fixed assets and the
706 auditing of fixed assets records as a minimum requirement for
707 accreditation.

708 (19) Before December 1, 1999, the State Board of Education
709 shall recommend a program to the Education Committees of the House
710 of Representatives and the Senate for identifying and rewarding
711 public schools that improve or are high performing. The program



712 shall be described by the board in a written report, which shall
713 include criteria and a process through which improving schools and
714 high-performing schools will be identified and rewarded.

715 The State Superintendent of Public Education and the State
716 Board of Education also shall develop a comprehensive
717 accountability plan to ensure that local school boards,
718 superintendents, principals and teachers are held accountable for
719 student achievement. A written report on the accountability plan
720 shall be submitted to the Education Committees of both houses of
721 the Legislature before December 1, 1999, with any necessary
722 legislative recommendations.

723 (20) Before January 1, 2008, the State Board of Education
724 shall evaluate and submit a recommendation to the Education
725 Committees of the House of Representatives and the Senate on
726 inclusion of graduation rate and dropout rate in the school level
727 accountability system.

728 (21) If a local school district is determined as failing and
729 placed into * * * district transformation for reasons authorized
730 by the provisions of this section, the * * * interim
731 superintendent appointed to the district shall, within * * *
732 ninety (90) days after being appointed, present a detailed and
733 structured corrective action plan to move the local school
734 district out of * * * district transformation status to the * * *
735 deputy superintendent. A copy of the * * * interim



736 superintendent's corrective action plan shall also be filed with
737 the State Board of Education.

738 **SECTION 2.** Section 37-17-13, Mississippi Code of 1972, is
739 amended as follows:

740 37-17-13. (1) Whenever the Governor declares a state of
741 emergency in a school district in response to a certification by
742 the State Board of Education and the Commission on School
743 Accreditation made under Section 37-17-6(11)(b), the State Board
744 of Education, in addition to any actions taken under Section
745 37-17-6, may abolish the school district and assume control and
746 administration of the schools formerly constituting the district,
747 and appoint * * * an interim superintendent to carry out this
748 purpose under the direction of the State Board of Education. In
749 such case, the State Board of Education shall have all powers
750 which were held by the previously existing school board, and the
751 previously existing superintendent of schools or county
752 superintendent of education, including, but not limited to, those
753 enumerated in Section 37-7-301, and the authority to request tax
754 levies from the appropriate governing authorities for the support
755 of the schools and to receive and expend the tax funds as provided
756 by Section 37-57-1 et seq. and Section 37-57-105 et seq.

757 (2) When a school district is abolished under this section,
758 loans from the School District Emergency Assistance Fund may be
759 made by the State Board of Education for the use and benefit of
760 the schools formerly constituting the district in accordance with



761 the procedures set forth in Section 37-17-6(14) for such loans to
762 the district. The abolition of a school district under this
763 section shall not impair or release the property of that school
764 district from liability for the payment of the loan indebtedness,
765 and it shall be the duty of the appropriate governing authorities
766 to levy taxes on the property of the district so abolished from
767 year to year according to the terms of the indebtedness until same
768 shall be fully paid.

769 (3) After a school district is abolished under this section,
770 at such time as the State Board of Education determines that the
771 impairments have been substantially corrected, the State Board of
772 Education shall reconstitute, reorganize or change or alter the
773 boundaries of the previously existing district; however, no
774 partition or assignment of territory formerly included in the
775 abolished district to one or more other school districts may be
776 made by the State Board of Education without the consent of the
777 school board of the school district to which such territory is to
778 be transferred, such consent to be spread upon its minutes. At
779 that time, the State Board of Education, in appropriate cases,
780 shall notify the appropriate governing authority or authorities of
781 its action and request them to provide for the election or
782 appointment of school board members in the manner provided by law.
783 In the event the applicable statute provides that vacancies in an
784 all-elected membership of the school board will be filled by
785 appointment by the remaining members of the school board and no



786 members of the school board remain in office, the Governor shall
787 call a special election to fill the vacancies. In such
788 situations, the Governor will set the date of the special election
789 and said election will be conducted by the county election
790 commission. The State Board of Education shall also request the
791 governing authority or authorities to provide for the appointment
792 of a superintendent or superintendents to govern the
793 reconstituted, reorganized or changed district or districts, which
794 such appointed position shall apply in all school districts
795 including those school districts in which the position of
796 superintendent was previously an elected office. A board member
797 or superintendent in office at the time the Governor declares a
798 state of emergency in a school district to be abolished shall not
799 be eligible to serve in that office for the school district
800 reconstituted, reorganized or changed after the Governor declares
801 that an emergency no longer exists.

802 (4) As an alternative to the procedure set forth in
803 subsection (3), * * * when a local school board is abolished by
804 the State Board of Education pursuant to this section, after the
805 State Board of Education determines that the impairments are being
806 substantially corrected and the responsibility of * * * district
807 transformation in such district is within one (1) year of
808 potential expiration, the State Board of Education may appoint a
809 new five-member board for the administration of the school
810 district and shall notify the local county board of supervisors



811 and/or municipal governing authority of such appointment,
812 spreading the names of the new school board members on its
813 minutes. The new local school board members shall be residents of
814 the school district. The new local school board members appointed
815 by the State Board of Education may serve in an advisory capacity
816 to the * * * interim superintendent for its first year of service
817 and thereafter shall have full responsibility to administer the
818 school district. Thirty (30) days prior to the end of the first
819 year of office as an advisory board, each member shall draw lots
820 to determine when the members shall rotate off the board as
821 follows: one (1) member shall serve a one-year term of office;
822 one (1) member shall serve a two-year term of office; one (1)
823 member shall serve a three-year term of office; one (1) member
824 shall serve a four-year term of office; and one (1) member shall
825 serve a five-year term of office. At that time, the State Board
826 of Education shall notify the appropriate board of supervisors or
827 municipal governing authority of this action and request them to
828 provide for the election or appointment of school board members at
829 the end of said terms of office in the manner provided by law, in
830 order for the local residents of the school district to select a
831 new school board on a phased-in basis. In such situations, the
832 Governor will set the date of any necessary special election which
833 shall be conducted by the county election commission. The State
834 Board of Education shall also request the new school board to
835 provide for the appointment of a superintendent to govern the



836 reconstituted or reorganized school district, including those
837 school districts in which the position of superintendent was
838 previously an elected office. A board member or superintendent in
839 office at the time the Governor declares a state of emergency in a
840 school district shall not be eligible to serve in the office of
841 school board member or superintendent for the school district
842 reconstituted or reorganized following the * * * district
843 transformation period.

844 The provisions of this subsection (4) shall not be applicable
845 in any school district placed into * * * district transformation
846 on or after September 1, 2013, and which is located entirely South
847 of United States Highway 80.

848 This subsection (4) shall stand repealed from and after July
849 1, 2017.

850 **SECTION 3.** Section 37-18-7, Mississippi Code of 1972, is
851 amended as follows:

852 37-18-7. (1) As part of the school improvement plan for a
853 School At-Risk, a professional development plan shall be prepared
854 for those school administrators, teachers or other employees who
855 are identified by the evaluation team as needing improvement. The
856 State Department of Education shall assist the School At-Risk in
857 identifying funds necessary to fully implement the school
858 improvement plan.

859 (2) In the event a school continues to be designated a
860 School At-Risk after three (3) years of implementing a school



861 improvement plan, or in the event that more than fifty percent
862 (50%) of the schools within the school district are designated as
863 Schools At-Risk in any one (1) year, the State Board of Education
864 may request that the Governor declare a state of emergency in that
865 school district. Upon the declaration of the state of emergency
866 by the Governor, the State Board of Education may take all such
867 action for dealing with school districts as is authorized under
868 subsection (11) or (14) of Section 37-17-6, including the
869 appointment of an interim * * * superintendent.

870 **SECTION 4.** This act shall take effect and be in force from
871 and after July 1, 2017.

