

By: Representative Holloway

To: Education

HOUSE BILL NO. 211

1 AN ACT TO CREATE NEW SECTION 37-7-103.1, MISSISSIPPI CODE OF
2 1972, TO PROHIBIT THE MANDATORY ABOLITION OR ADMINISTRATIVE
3 CONSOLIDATION OF A SCHOOL DISTRICT IN DISTRICT TRANSFORMATION IF
4 THE DISTRICT IS MAKING SATISFACTORY PROGRESS ON CORRECTIVE ACTIONS
5 THAT WILL LEAD TO THE TERMINATION OF THE DISTRICT TRANSFORMATION
6 STATS; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, IN
7 CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The following shall be codified as Section
10 37-7-103.1, Mississippi Code of 1972:

11 37-7-103.1. In any school district that has been placed
12 under district transformation due to a state of emergency being
13 declared in the district pursuant to Section 37-17-6, there may
14 not be any mandatory abolition of the school district or
15 administrative consolidation with another district if, in the
16 determination of the State Board of Education, the school district
17 is taking satisfactory corrective action and progressing toward a
18 termination of the state of emergency and district transformation
19 status.



20 **SECTION 2.** Section 37-17-6, Mississippi Code of 1972, is
21 amended as follows:

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

27 (2) * * * The State Board of Education, acting through the
28 Commission on School Accreditation, shall require school districts
29 to provide school classroom space that is air-conditioned as a
30 minimum requirement for accreditation.

31 (3) (a) * * * The State Board of Education, acting through
32 the Commission on School Accreditation, shall require that school
33 districts employ certified school librarians according to the
34 following formula:

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

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

43 (c) The assignment of certified school librarians to
44 the particular schools shall be at the discretion of the local



45 school district. No individual shall be employed as a certified
46 school librarian without appropriate training and certification as
47 a school librarian by the State Department of Education.

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

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

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

60 (4) * * * The State Board of Education shall implement the
61 performance-based accreditation system for school districts and
62 for individual noncharter public schools which shall include the
63 following:

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

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

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



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

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

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

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



95 "A," "B," "C," "D" and "F" designation to the current school and
96 school district statewide accountability performance
97 classification labels beginning with the State Accountability
98 Results for the 2011-2012 school year and following, and in the
99 school, district and state report cards required under state and
100 federal law. Under the new designations, a school or school
101 district that has earned a "Star" rating shall be designated an
102 "A" school or school district; a school or school district that
103 has earned a "High-Performing" rating shall be designated a "B"
104 school or school district; a school or school district that has
105 earned a "Successful" rating shall be designated a "C" school or
106 school district; a school or school district that has earned an
107 "Academic Watch" rating shall be designated a "D" school or school
108 district; a school or school district that has earned a
109 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
110 be designated an "F" school or school district. Effective with
111 the implementation of any new curriculum and assessment standards,
112 the State Board of Education, acting through the State Department
113 of Education, is further authorized and directed to change the
114 school and school district accreditation rating system to a simple
115 "A," "B," "C," "D," and "F" designation based on a combination of
116 student achievement scores and student growth as measured by the
117 statewide testing programs developed by the State Board of
118 Education pursuant to Chapter 16, Title 37, Mississippi Code of
119 1972. In any statute or regulation containing the former



120 accreditation designations, the new designations shall be
121 applicable;

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

124 (i) The State Board of Education may, based on a
125 written request that contains specific reasons for requesting a
126 waiver from the school districts affected by Hurricane Katrina of
127 2005, hold harmless school districts from assignment of district
128 and school level accountability ratings for the 2005-2006 school
129 year. The State Board of Education upon finding an extreme
130 hardship in the school district may grant the request. It is the
131 intent of the Legislature that all school districts maintain the
132 highest possible academic standards and instructional programs in
133 all schools as required by law and the State Board of Education.

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

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

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



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

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

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

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

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

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

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



169 percent (10%) of schools in the state are not graded as "D"
170 schools, the lowest ten percent (10%) of school grade point
171 designees will be identified as Focus schools;

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

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

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

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

188 (ix) The State Department of Education shall
189 determine feeder patterns of schools that do not earn a school
190 grade because the grades and subjects taught at the school do not
191 have statewide standardized assessments needed to calculate a
192 school grade. Upon determination of the feeder pattern, the
193 department shall notify schools and school districts prior to the



194 release of the school grades beginning in 2013. Feeder schools
195 will be assigned the accountability designation of the school to
196 which they provide students;

197 (x) Standards for student, school and school
198 district performance will be increased when student proficiency is
199 at a seventy-five percent (75%) and/or when sixty-five percent
200 (65%) of the schools and/or school districts are earning a grade
201 of "B" or higher, in order to raise the standard on performance
202 after targets are met.

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

206 (7) The State Board of Education shall create an
207 accreditation audit unit under the Commission on School
208 Accreditation to determine whether schools are complying with
209 accreditation standards.

210 (8) The State Board of Education shall be specifically
211 authorized and empowered to withhold adequate education program
212 fund allocations, whichever is applicable, to any public school
213 district for failure to timely report student, school personnel
214 and fiscal data necessary to meet state and/or federal
215 requirements.

216 (9) [Deleted]

217 (10) The State Board of Education shall establish, for those
218 school districts failing to meet accreditation standards, a



219 program of development to be complied with in order to receive
220 state funds, except as otherwise provided in subsection (15) of
221 this section when the Governor has declared a state of emergency
222 in a school district or as otherwise provided in Section 206,
223 Mississippi Constitution of 1890. The state board, in
224 establishing these standards, shall provide for notice to schools
225 and sufficient time and aid to enable schools to attempt to meet
226 these standards, unless procedures under subsection (15) of this
227 section have been invoked.

228 (11) * * * The State Board of Education shall be charged
229 with the implementation of the program of development in each
230 applicable school district as follows:

231 (a) Develop an impairment report for each district
232 failing to meet accreditation standards in conjunction with school
233 district officials;

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



244 taken by the particular school district and school to improve:
245 (i) instruction; (ii) curriculum; (iii) professional development;
246 (iv) personnel and classroom organization; (v) student incentives
247 for performance; (vi) process deficiencies; and (vii) reporting to
248 the local school board, parents and the community. The corrective
249 action plan shall describe the specific individuals responsible
250 for implementing each component of the recommendation and how each
251 will be evaluated. All corrective action plans shall be provided
252 to the State Board of Education as may be required. The decision
253 of the State Board of Education establishing the probationary
254 period of time shall be final;

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

257 * * * Subject to the availability of funds, the State Department
258 of Education shall provide technical and/or financial assistance
259 to all such school districts in order to implement each measure
260 identified in that district's corrective action plan through
261 professional development and on-site assistance. Each such school
262 district shall apply for and utilize all available federal funding
263 in order to support its corrective action plan in addition to
264 state funds made available under this paragraph;

265 (d) Assign department personnel or contract, in its
266 discretion, with the institutions of higher learning or other
267 appropriate private entities with experience in the academic,



268 finance and other operational functions of schools to assist
269 school districts;

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

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



293 accreditation should not be withdrawn. After its consideration of
294 the results of the hearing, the Commission on School Accreditation
295 shall be authorized, with the approval of the State Board of
296 Education, to withdraw the accreditation of a public school
297 district, and issue a request to the Governor that a state of
298 emergency be declared in that district.

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



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

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

331 (ii) Override any decision of the local school
332 board or superintendent of education, or both, concerning the
333 management and operation of the school district, or initiate and
334 make decisions concerning the management and operation of the
335 school district;

336 (iii) Assign an interim superintendent, or in its
337 discretion, contract with a private entity with experience in the
338 academic, finance and other operational functions of schools and
339 school districts, who will have those powers and duties prescribed
340 in subsection (15) of this section;

341 (iv) Grant transfers to students who attend this
342 school district so that they may attend other accredited schools



343 or districts in a manner that is not in violation of state or
344 federal law;

345 (v) For states of emergency declared under
346 paragraph (a) only, if the accreditation deficiencies are related
347 to the fact that the school district is too small, with too few
348 resources, to meet the required standards and if another school
349 district is willing to accept those students, abolish that
350 district and assign that territory to another school district or
351 districts. However, in any school district that has been placed
352 in district transformation due to a state of emergency declared
353 under paragraph (a), the State Board of Education may not
354 recommend abolition of the school district or consolidation of the
355 district with another school district if, at the time
356 consideration is given to abolishing or consolidating the
357 district, the school district has taken satisfactory corrective
358 action that will result in the termination of the state of
359 emergency and district transformation status. If the school
360 district has proposed a voluntary consolidation with another
361 school district or districts, then if the State Board of Education
362 finds that it is in the best interest of the pupils of the
363 district for the consolidation to proceed, the voluntary
364 consolidation shall have priority over any such assignment of
365 territory by the State Board of Education;

366 (vi) For states of emergency declared under
367 paragraph (b) only, reduce local supplements paid to school



368 district employees, including, but not limited to, instructional
369 personnel, assistant teachers and extracurricular activities
370 personnel, if the district's impairment is related to a lack of
371 financial resources, but only to an extent that will result in the
372 salaries being comparable to districts similarly situated, as
373 determined by the State Board of Education;

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

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

382 (e) The parent or legal guardian of a school-age child
383 who is enrolled in a school district whose accreditation has been
384 withdrawn by the Commission on School Accreditation and without
385 approval of that school district may file a petition in writing to
386 a school district accredited by the Commission on School
387 Accreditation for a legal transfer. The school district
388 accredited by the Commission on School Accreditation may grant the
389 transfer according to the procedures of Section 37-15-31(1)(b).
390 In the event the accreditation of the student's home district is
391 restored after a transfer has been approved, the student may
392 continue to attend the transferee school district. The per-pupil



393 amount of the adequate education program allotment, including the
394 collective "add-on program" costs for the student's home school
395 district shall be transferred monthly to the school district
396 accredited by the Commission on School Accreditation that has
397 granted the transfer of the school-age child.

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

401 (i) Place the school district into district
402 transformation, in which the school district shall remain until it
403 has fulfilled all conditions related to district transformation.
404 If the district was assigned an accreditation rating of "D" or "F"
405 when placed into district transformation, the district shall be
406 eligible to return to local control when the school district has
407 attained a "C" rating or higher for five (5) consecutive years,
408 unless the State Board of Education determines that the district
409 is eligible to return to local control in less than the five-year
410 period;

411 (ii) Abolish the school district and
412 administratively consolidate the school district with one or more
413 existing school districts;

414 (iii) Reduce the size of the district and
415 administratively consolidate parts of the district, as determined
416 by the State Board of Education. However, no school district



417 which is not in district transformation shall be required to
418 accept additional territory over the objection of the district; or

419 (iv) Require the school district to develop and
420 implement a district improvement plan with prescriptive guidance
421 and support from the State Department of Education, with the goal
422 of helping the district improve student achievement. Failure of
423 the school board, superintendent and school district staff to
424 implement the plan with fidelity and participate in the activities
425 provided as support by the department shall result in the school
426 district retaining its eligibility for district transformation.

427 (g) There is established a Mississippi Recovery School
428 District within the State Department of Education under the
429 supervision of a deputy superintendent appointed by the State
430 Superintendent of Public Education, who is subject to the approval
431 by the State Board of Education. The Mississippi Recovery School
432 District shall provide leadership and oversight of all school
433 districts that are subject to district transformation status, as
434 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
435 and shall have all the authority granted under these two (2)
436 chapters. The Mississippi Department of Education, with the
437 approval of the State Board of Education, shall develop policies
438 for the operation and management of the Mississippi Recovery
439 School District. The deputy state superintendent is responsible
440 for the Mississippi Recovery School District and shall be
441 authorized to oversee the administration of the Mississippi



442 Recovery School District, oversee the interim superintendent
443 assigned by the State Board of Education to a local school
444 district, hear appeals that would normally be filed by students,
445 parents or employees and heard by a local school board, which
446 hearings on appeal shall be conducted in a prompt and timely
447 manner in the school district from which the appeal originated in
448 order to ensure the ability of appellants, other parties and
449 witnesses to appeal without undue burden of travel costs or loss
450 of time from work, and perform other related duties as assigned by
451 the State Superintendent of Public Education. The deputy state
452 superintendent is responsible for the Mississippi Recovery School
453 District and shall determine, based on rigorous professional
454 qualifications set by the State Board of Education, the
455 appropriate individuals to be engaged to be interim
456 superintendents and financial advisors, if applicable, of all
457 school districts subject to district transformation status. After
458 State Board of Education approval, these individuals shall be
459 deemed independent contractors.

460 (h) In any school district that has been placed in
461 district transformation due to a state of emergency being declared
462 in the district pursuant to this section, if the school district
463 is taking satisfactory corrective action and progressing toward a
464 termination of the state of emergency and district transformation
465 status, the State Board of Education may not recommend a mandatory



466 abolition of the school district or consolidation of the school
467 district with another school district.

468 (13) Upon the declaration of a state of emergency in a
469 school district under subsection (12) of this section, the
470 Commission on School Accreditation shall be responsible for public
471 notice at least once a week for at least three (3) consecutive
472 weeks in a newspaper published within the jurisdiction of the
473 school district failing to meet accreditation standards, or if no
474 newspaper is published therein, then in a newspaper having a
475 general circulation therein. The size of the notice shall be no
476 smaller than one-fourth (1/4) of a standard newspaper page and
477 shall be printed in bold print. If an interim superintendent has
478 been appointed for the school district, the notice shall begin as
479 follows: "By authority of Section 37-17-6, Mississippi Code of
480 1972, as amended, adopted by the Mississippi Legislature during
481 the 1991 Regular Session, this school district (name of school
482 district) is hereby placed under the jurisdiction of the State
483 Department of Education acting through its appointed interim
484 superintendent (name of interim superintendent)."

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

554 The cost of the salary of the interim superintendent and any
555 other actual and necessary costs related to district
556 transformation status paid by the State Department of Education
557 shall be reimbursed by the local school district from funds other
558 than adequate education program funds. The department shall
559 submit an itemized statement to the superintendent of the local
560 school district for reimbursement purposes, and any unpaid balance
561 may be withheld from the district's adequate education program
562 funds.

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



565 emergency no longer exists in a school district, the powers and
566 responsibilities of the interim superintendent assigned to the
567 district shall cease.

568 (b) In order to provide loans to school districts under
569 a state of emergency or in district transformation status that
570 have impairments related to a lack of financial resources, the
571 School District Emergency Assistance Fund is created as a special
572 fund in the State Treasury into which monies may be transferred or
573 appropriated by the Legislature from any available public
574 education funds. Funds in the School District Emergency
575 Assistance Fund up to a maximum balance of Three Million Dollars
576 (\$3,000,000.00) annually shall not lapse but shall be available
577 for expenditure in subsequent years subject to approval of the
578 State Board of Education. Any amount in the fund in excess of
579 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
580 year shall lapse into the State General Fund or the Education
581 Enhancement Fund, depending on the source of the fund.

582 The State Board of Education may loan monies from the School
583 District Emergency Assistance Fund to a school district that is
584 under a state of emergency or in district transformation status,
585 in those amounts, as determined by the board, that are necessary
586 to correct the district's impairments related to a lack of
587 financial resources. The loans shall be evidenced by an agreement
588 between the school district and the State Board of Education and
589 shall be repayable in principal, without necessity of interest, to



590 the School District Emergency Assistance Fund by the school
591 district from any allowable funds that are available. The total
592 amount loaned to the district shall be due and payable within five
593 (5) years after the impairments related to a lack of financial
594 resources are corrected. If a school district fails to make
595 payments on the loan in accordance with the terms of the agreement
596 between the district and the State Board of Education, the State
597 Department of Education, in accordance with rules and regulations
598 established by the State Board of Education, may withhold that
599 district's adequate education program funds in an amount and
600 manner that will effectuate repayment consistent with the terms of
601 the agreement; the funds withheld by the department shall be
602 deposited into the School District Emergency Assistance Fund.

603 The State Board of Education shall develop a protocol that
604 will outline the performance standards and requisite timeline
605 deemed necessary for extreme emergency measures. If the State
606 Board of Education determines that an extreme emergency exists,
607 simultaneous with the powers exercised in this subsection, it
608 shall take immediate action against all parties responsible for
609 the affected school districts having been determined to be in an
610 extreme emergency. The action shall include, but not be limited
611 to, initiating civil actions to recover funds and criminal actions
612 to account for criminal activity. Any funds recovered by the
613 State Auditor or the State Board of Education from the surety
614 bonds of school officials or from any civil action brought under



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

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

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



639 the county election commission, as the case may be, shall take the
640 following action:

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

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

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

660 (ii) If the office of superintendent is an
661 appointive office, the name of the superintendent shall be
662 submitted by the president of the local school board at the next
663 regular meeting of the school board for retention in office or



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

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

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

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



689 election this year are subject to recall because of the school
690 district's failure to meet critical accountability standards as
691 defined in the letter of notification to the Governor from the
692 State Board of Education. Shall the member of the school board
693 representing this area, _____ (here the name of the school
694 board member holding the office shall be inserted), be retained in
695 office? Yes _____ No _____"

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

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



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

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

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

734 (19) * * * The State Superintendent of Public Education and
735 the State Board of Education * * * shall develop a comprehensive
736 accountability plan to ensure that local school boards,
737 superintendents, principals and teachers are held accountable for
738 student achievement. * * *



739 (20) * * * [Deleted]

740 (21) If a local school district is determined as failing and
741 placed into district transformation status for reasons authorized
742 by the provisions of this section, the interim superintendent
743 appointed to the district shall, within forty-five (45) days after
744 being appointed, present a detailed and structured corrective
745 action plan to move the local school district out of district
746 transformation status to the deputy superintendent. A copy of the
747 interim superintendent's corrective action plan shall also be
748 filed with the State Board of Education.

749 **SECTION 3.** This act shall take effect and be in force from
750 and after July 1, 2018.

