

By: Representative Blackmon

To: Education

HOUSE BILL NO. 352

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
 2 REQUIRE THE STATE BOARD OF EDUCATION, ACTING THROUGH THE
 3 COMMISSION ON SCHOOL ACCREDITATION, TO DEVELOP A DIFFERENTIAL
 4 COMPONENT TO THE PERFORMANCE-BASED ACCREDITATION SYSTEM WHICH
 5 PROVIDES ALTERNATIVE MEANS TO ASSESSING THE PERFORMANCE OF CERTAIN
 6 SCHOOLS AND SCHOOL DISTRICTS; TO REQUIRE THE BOARD TO SUBMIT A
 7 REPORT ON THE DIFFERENTIAL ACCOUNTABILITY MODEL TO THE EDUCATION
 8 COMMITTEES OF THE LEGISLATURE BEFORE THE 2019 SESSION; TO REQUIRE
 9 THE NEW ACCOUNTABILITY MODEL TO BE IMPLEMENTED DURING THE
 10 2019-2020 SCHOOL YEAR; AND FOR RELATED PURPOSES.

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

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

14 37-17-6. Establishment and implementation of permanent
 15 performance-based accreditation system; particular accreditation
 16 requirements; accreditation audits and reviews; development
 17 program for schools failing to meet standards; establishment of a
 18 Mississippi Recovery School District; declaration of state of
 19 emergency in school district.

20 (1) (a) The State Board of Education, acting through the
 21 Commission on School Accreditation, shall establish and implement
 22 a permanent performance-based accreditation system, and all



23 noncharter public elementary and secondary schools shall be
24 accredited under this system.

25 (b) The State Board of Education, acting through the
26 Commission on School Accreditation, shall develop a differential
27 component to the permanent performance-based accreditation system
28 which allows different accountability principles to apply to
29 different school districts. The differential accountability model
30 must provide an alternative means to assessing the performance of
31 certain public schools and schools districts other than by strict
32 reliance on minimum performance standards under the statewide
33 assessment testing program. Such alternative means must include,
34 but need not be limited to, a method to assess a school district's
35 performance in successfully equipping students to directly enter
36 the local workforce upon graduation with the requisite skills
37 needed and desired by the local business community.

38 The State Board of Education shall submit a written report on
39 the differential accountability model of the performance-based
40 accreditation system to the Education Committees of the House of
41 Representatives and Senate before December 31, 2018, with any
42 necessary legislative recommendations. The board shall take such
43 actions as may be necessary to implement the differential
44 accountability model beginning with the 2019-2020 school year.

45 (2) * * * The State Board of Education, acting through the
46 Commission on School Accreditation, shall require school districts



47 to provide school classroom space that is air-conditioned as a
48 minimum requirement for accreditation.

49 (3) (a) * * * The State Board of Education, acting through
50 the Commission on School Accreditation, shall require that school
51 districts employ certified school librarians according to the
52 following formula:

53	Number of Students	Number of Certified
54	Per School Library	School Librarians
55	0 - 499 Students	1/2 Full-time Equivalent
56		Certified Librarian
57	500 or More Students	1 Full-time Certified
58		Librarian

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

61 (c) The assignment of certified school librarians to
62 the particular schools shall be at the discretion of the local
63 school district. No individual shall be employed as a certified
64 school librarian without appropriate training and certification as
65 a school librarian by the State Department of Education.

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



70 (e) Nothing in this subsection shall prohibit any
71 school district from employing more certified school librarians
72 than are provided for in this section.

73 (f) Any additional millage levied to fund school
74 librarians required for accreditation under this subsection shall
75 be included in the tax increase limitation set forth in Sections
76 37-57-105 and 37-57-107 and shall not be deemed a new program for
77 purposes of the limitation.

78 (4) * * * The State Board of Education shall implement the
79 performance-based accreditation system for school districts and
80 for individual noncharter public schools which shall include the
81 following:

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

84 (b) Strong accountability for results with appropriate
85 local flexibility for local implementation;

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

88 (d) Individual schools shall be held accountable for
89 student growth and performance;

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



93 (f) A determination of which schools exceed their
94 standards and a plan for providing recognition and rewards to
95 those schools;

96 (g) A determination of which schools are failing to
97 meet their standards and a determination of the appropriate role
98 of the State Board of Education and the State Department of
99 Education in providing assistance and initiating possible
100 intervention. A failing district is a district that fails to meet
101 both the absolute student achievement standards and the rate of
102 annual growth expectation standards as set by the State Board of
103 Education for two (2) consecutive years. The State Board of
104 Education shall establish the level of benchmarks by which
105 absolute student achievement and growth expectations shall be
106 assessed. In setting the benchmarks for school districts, the
107 State Board of Education may also take into account such factors
108 as graduation rates, dropout rates, completion rates, the extent
109 to which the school or district employs qualified teachers in
110 every classroom, and any other factors deemed appropriate by the
111 State Board of Education. The State Board of Education, acting
112 through the State Department of Education, shall apply a simple
113 "A," "B," "C," "D" and "F" designation to the current school and
114 school district statewide accountability performance
115 classification labels beginning with the State Accountability
116 Results for the 2011-2012 school year and following, and in the
117 school, district and state report cards required under state and



118 federal law. Under the new designations, a school or school
119 district that has earned a "Star" rating shall be designated an
120 "A" school or school district; a school or school district that
121 has earned a "High-Performing" rating shall be designated a "B"
122 school or school district; a school or school district that has
123 earned a "Successful" rating shall be designated a "C" school or
124 school district; a school or school district that has earned an
125 "Academic Watch" rating shall be designated a "D" school or school
126 district; a school or school district that has earned a
127 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
128 be designated an "F" school or school district. Effective with
129 the implementation of any new curriculum and assessment standards,
130 the State Board of Education, acting through the State Department
131 of Education, is further authorized and directed to change the
132 school and school district accreditation rating system to a simple
133 "A," "B," "C," "D," and "F" designation based on a combination of
134 student achievement scores and student growth as measured by the
135 statewide testing programs developed by the State Board of
136 Education pursuant to Chapter 16, Title 37, Mississippi Code of
137 1972. In any statute or regulation containing the former
138 accreditation designations, the new designations shall be
139 applicable;

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



142 (i) The State Board of Education may, based on a
143 written request that contains specific reasons for requesting a
144 waiver from the school districts affected by Hurricane Katrina of
145 2005, hold harmless school districts from assignment of district
146 and school level accountability ratings for the 2005-2006 school
147 year. The State Board of Education upon finding an extreme
148 hardship in the school district may grant the request. It is the
149 intent of the Legislature that all school districts maintain the
150 highest possible academic standards and instructional programs in
151 all schools as required by law and the State Board of Education.

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

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

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

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



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

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

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

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

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

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



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

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

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

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

206 (ix) The State Department of Education shall
207 determine feeder patterns of schools that do not earn a school
208 grade because the grades and subjects taught at the school do not
209 have statewide standardized assessments needed to calculate a
210 school grade. Upon determination of the feeder pattern, the
211 department shall notify schools and school districts prior to the
212 release of the school grades beginning in 2013. Feeder schools
213 will be assigned the accountability designation of the school to
214 which they provide students;



215 (x) Standards for student, school and school
216 district performance will be increased when student proficiency is
217 at a seventy-five percent (75%) and/or when sixty-five percent
218 (65%) of the schools and/or school districts are earning a grade
219 of "B" or higher, in order to raise the standard on performance
220 after targets are met.

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

224 (7) The State Board of Education shall create an
225 accreditation audit unit under the Commission on School
226 Accreditation to determine whether schools are complying with
227 accreditation standards.

228 (8) The State Board of Education shall be specifically
229 authorized and empowered to withhold adequate education program
230 fund allocations, whichever is applicable, to any public school
231 district for failure to timely report student, school personnel
232 and fiscal data necessary to meet state and/or federal
233 requirements.

234 (9) [Deleted]

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



240 in a school district or as otherwise provided in Section 206,
241 Mississippi Constitution of 1890. The state board, in
242 establishing these standards, shall provide for notice to schools
243 and sufficient time and aid to enable schools to attempt to meet
244 these standards, unless procedures under subsection (15) of this
245 section have been invoked.

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

249 (a) Develop an impairment report for each district
250 failing to meet accreditation standards in conjunction with school
251 district officials;

252 (b) Notify any applicable school district failing to
253 meet accreditation standards that it is on probation until
254 corrective actions are taken or until the deficiencies have been
255 removed. The local school district shall develop a corrective
256 action plan to improve its deficiencies. For district academic
257 deficiencies, the corrective action plan for each such school
258 district shall be based upon a complete analysis of the following:
259 student test data, student grades, student attendance reports,
260 student dropout data, existence and other relevant data. The
261 corrective action plan shall describe the specific measures to be
262 taken by the particular school district and school to improve:
263 (i) instruction; (ii) curriculum; (iii) professional development;
264 (iv) personnel and classroom organization; (v) student incentives



265 for performance; (vi) process deficiencies; and (vii) reporting to
266 the local school board, parents and the community. The corrective
267 action plan shall describe the specific individuals responsible
268 for implementing each component of the recommendation and how each
269 will be evaluated. All corrective action plans shall be provided
270 to the State Board of Education as may be required. The decision
271 of the State Board of Education establishing the probationary
272 period of time shall be final;

273 (c) Offer, during the probationary period, technical
274 assistance to the school district in making corrective actions.
275 Beginning July 1, 1998, subject to the availability of funds, the
276 State Department of Education shall provide technical and/or
277 financial assistance to all such school districts in order to
278 implement each measure identified in that district's corrective
279 action plan through professional development and on-site
280 assistance. Each such school district shall apply for and utilize
281 all available federal funding in order to support its corrective
282 action plan in addition to state funds made available under this
283 paragraph;

284 (d) Assign department personnel or contract, in its
285 discretion, with the institutions of higher learning or other
286 appropriate private entities with experience in the academic,
287 finance and other operational functions of schools to assist
288 school districts;



289 (e) Provide for publication of public notice at least
290 one time during the probationary period, in a newspaper published
291 within the jurisdiction of the school district failing to meet
292 accreditation standards, or if no newspaper is published therein,
293 then in a newspaper having a general circulation therein. The
294 publication shall include the following: declaration of school
295 system's status as being on probation; all details relating to the
296 impairment report; and other information as the State Board of
297 Education deems appropriate. Public notices issued under this
298 section shall be subject to Section 13-3-31 and not contrary to
299 other laws regarding newspaper publication.

300 (12) (a) If the recommendations for corrective action are
301 not taken by the local school district or if the deficiencies are
302 not removed by the end of the probationary period, the Commission
303 on School Accreditation shall conduct a hearing to allow the
304 affected school district to present evidence or other reasons why
305 its accreditation should not be withdrawn. Additionally, if the
306 local school district violates accreditation standards that have
307 been determined by the policies and procedures of the State Board
308 of Education to be a basis for withdrawal of school district's
309 accreditation without a probationary period, the Commission on
310 School Accreditation shall conduct a hearing to allow the affected
311 school district to present evidence or other reasons why its
312 accreditation should not be withdrawn. After its consideration of
313 the results of the hearing, the Commission on School Accreditation



314 shall be authorized, with the approval of the State Board of
315 Education, to withdraw the accreditation of a public school
316 district, and issue a request to the Governor that a state of
317 emergency be declared in that district.

318 (b) If the State Board of Education and the Commission
319 on School Accreditation determine that an extreme emergency
320 situation exists in a school district that jeopardizes the safety,
321 security or educational interests of the children enrolled in the
322 schools in that district and that emergency situation is believed
323 to be related to a serious violation or violations of
324 accreditation standards or state or federal law, or when a school
325 district meets the State Board of Education's definition of a
326 failing school district for two (2) consecutive full school years,
327 or if more than fifty percent (50%) of the schools within the
328 school district are designated as Schools At-Risk in any one (1)
329 year, the State Board of Education may request the Governor to
330 declare a state of emergency in that school district. For
331 purposes of this paragraph, the declarations of a state of
332 emergency shall not be limited to those instances when a school
333 district's impairments are related to a lack of financial
334 resources, but also shall include serious failure to meet minimum
335 academic standards, as evidenced by a continued pattern of poor
336 student performance.

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



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

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

350 (ii) Override any decision of the local school
351 board or superintendent of education, or both, concerning the
352 management and operation of the school district, or initiate and
353 make decisions concerning the management and operation of the
354 school district;

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

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



364 (v) For states of emergency declared under
365 paragraph (a) only, if the accreditation deficiencies are related
366 to the fact that the school district is too small, with too few
367 resources, to meet the required standards and if another school
368 district is willing to accept those students, abolish that
369 district and assign that territory to another school district or
370 districts. If the school district has proposed a voluntary
371 consolidation with another school district or districts, then if
372 the State Board of Education finds that it is in the best interest
373 of the pupils of the district for the consolidation to proceed,
374 the voluntary consolidation shall have priority over any such
375 assignment of territory by the State Board of Education;

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

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

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



389 been declared, the State Board of Education may request the
390 Governor to declare that the state of emergency no longer exists
391 in the district.

392 (e) The parent or legal guardian of a school-age child
393 who is enrolled in a school district whose accreditation has been
394 withdrawn by the Commission on School Accreditation and without
395 approval of that school district may file a petition in writing to
396 a school district accredited by the Commission on School
397 Accreditation for a legal transfer. The school district
398 accredited by the Commission on School Accreditation may grant the
399 transfer according to the procedures of Section 37-15-31(1)(b).
400 In the event the accreditation of the student's home district is
401 restored after a transfer has been approved, the student may
402 continue to attend the transferee school district. The per-pupil
403 amount of the adequate education program allotment, including the
404 collective "add-on program" costs for the student's home school
405 district shall be transferred monthly to the school district
406 accredited by the Commission on School Accreditation that has
407 granted the transfer of the school-age child.

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

411 (i) Place the school district into district
412 transformation, in which the school district shall remain until it
413 has fulfilled all conditions related to district transformation.



414 If the district was assigned an accreditation rating of "D" or "F"
415 when placed into district transformation, the district shall be
416 eligible to return to local control when the school district has
417 attained a "C" rating or higher for five (5) consecutive years,
418 unless the State Board of Education determines that the district
419 is eligible to return to local control in less than the five-year
420 period;

421 (ii) Abolish the school district and
422 administratively consolidate the school district with one or more
423 existing school districts;

424 (iii) Reduce the size of the district and
425 administratively consolidate parts of the district, as determined
426 by the State Board of Education. However, no school district
427 which is not in district transformation shall be required to
428 accept additional territory over the objection of the district; or

429 (iv) Require the school district to develop and
430 implement a district improvement plan with prescriptive guidance
431 and support from the State Department of Education, with the goal
432 of helping the district improve student achievement. Failure of
433 the school board, superintendent and school district staff to
434 implement the plan with fidelity and participate in the activities
435 provided as support by the department shall result in the school
436 district retaining its eligibility for district transformation.

437 (g) There is established a Mississippi Recovery School
438 District within the State Department of Education under the



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



464 qualifications set by the State Board of Education, the
465 appropriate individuals to be engaged to be interim
466 superintendents and financial advisors, if applicable, of all
467 school districts subject to district transformation status. After
468 State Board of Education approval, these individuals shall be
469 deemed independent contractors.

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

487 The notice also shall include, in the discretion of the State
488 Board of Education, any or all details relating to the school



489 district's emergency status, including the declaration of a state
490 of emergency in the school district and a description of the
491 district's impairment deficiencies, conditions of any district
492 transformation status and corrective actions recommended and being
493 taken. Public notices issued under this section shall be subject
494 to Section 13-3-31 and not contrary to other laws regarding
495 newspaper publication.

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

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

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

511 (15) (a) Whenever the Governor declares a state of
512 emergency in a school district in response to a request made under
513 subsection (12) of this section, the State Board of Education, in



514 its discretion, may assign an interim superintendent to the school
515 district, or in its discretion, may contract with an appropriate
516 private entity with experience in the academic, finance and other
517 operational functions of schools and school districts, who will be
518 responsible for the administration, management and operation of
519 the school district, including, but not limited to, the following
520 activities:

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

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

536 (iii) Reviewing the district's total financial
537 obligations and operations and making recommendations to the



538 district for cost savings, including, but not limited to,
539 reassigning the duties and responsibilities of staff;

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

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

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

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

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

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



563 may be withheld from the district's adequate education program
564 funds.

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

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

584 The State Board of Education may loan monies from the School
585 District Emergency Assistance Fund to a school district that is
586 under a state of emergency or in district transformation status,
587 in those amounts, as determined by the board, that are necessary



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

605 The State Board of Education shall develop a protocol that
606 will outline the performance standards and requisite timeline
607 deemed necessary for extreme emergency measures. If the State
608 Board of Education determines that an extreme emergency exists,
609 simultaneous with the powers exercised in this subsection, it
610 shall take immediate action against all parties responsible for
611 the affected school districts having been determined to be in an
612 extreme emergency. The action shall include, but not be limited



613 to, initiating civil actions to recover funds and criminal actions
614 to account for criminal activity. Any funds recovered by the
615 State Auditor or the State Board of Education from the surety
616 bonds of school officials or from any civil action brought under
617 this subsection shall be applied toward the repayment of any loan
618 made to a school district hereunder.

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

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



638 superintendent of the school district be subject to recall. If
639 the Governor declares that the office of the superintendent of the
640 school district is subject to recall, the local school board or
641 the county election commission, as the case may be, shall take the
642 following action:

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

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

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



662 (ii) If the office of superintendent is an
663 appointive office, the name of the superintendent shall be
664 submitted by the president of the local school board at the next
665 regular meeting of the school board for retention in office or
666 dismissal from office. If a majority of the school board voting
667 on the question vote against retaining the superintendent in
668 office, a vacancy shall exist which shall be filled as provided by
669 law, otherwise the superintendent shall remain in office for the
670 duration of his employment contract.

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

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



687 State Board of Education. The ballot shall read substantially as
688 follows:

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

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



711 and the appointed members shall serve until the office is filled
712 at the next regular special election or general election.

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

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

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



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

741 (20) * * * [Deleted]

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

751 **SECTION 2.** This act shall take effect and be in force from
752 and after July 1, 2018.

