

By: Representative Perkins

To: Education

HOUSE BILL NO. 444

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR THE MANNER IN WHICH A CERTAIN SCHOOL DISTRICT PLACED
3 UNDER CONSERVATORSHIP STATUS FOR ACADEMIC PURPOSES SHALL BE
4 ADMINISTERED AND GOVERNED FOR THE DURATION OF CONSERVATORSHIP; TO
5 REPEAL SECTION 37-7-104.6, MISSISSIPPI CODE OF 1972, WHICH
6 PROVIDES FOR THE ADMINISTRATIVE CONSOLIDATION OF THE LEFLORE
7 COUNTY AND GREENWOOD MUNICIPAL SEPARATE SCHOOL DISTRICTS INTO A
8 NEW COUNTYWIDE SCHOOL DISTRICT DESIGNATED AS THE GREENWOOD-LEFLORE
9 SCHOOL DISTRICT; AND FOR RELATED PURPOSES.

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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



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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

208 (9) [Deleted]

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



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

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

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

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



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

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

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



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

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



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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

385 (i) Place the school district into district
386 transformation, in which the school district shall remain until it
387 has fulfilled all conditions related to district transformation.



388 If the district was assigned an accreditation rating of "D" or "F"
389 when placed into district transformation, the district shall be
390 eligible to return to local control when the school district has
391 attained a "C" rating or higher for five (5) consecutive years,
392 unless the State Board of Education determines that the district
393 is eligible to return to local control in less than the five-year
394 period;

395 (ii) Abolish the school district and
396 administratively consolidate the school district with one or more
397 existing school districts;

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

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

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



413 supervision of a deputy superintendent appointed by the State
414 Superintendent of Public Education, who is subject to the approval
415 by the State Board of Education. The Mississippi Recovery School
416 District shall provide leadership and oversight of all school
417 districts that are subject to district transformation status, as
418 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
419 and shall have all the authority granted under these two (2)
420 chapters. The Mississippi Department of Education, with the
421 approval of the State Board of Education, shall develop policies
422 for the operation and management of the Mississippi Recovery
423 School District. The deputy state superintendent is responsible
424 for the Mississippi Recovery School District and shall be
425 authorized to oversee the administration of the Mississippi
426 Recovery School District, oversee the interim superintendent
427 assigned by the State Board of Education to a local school
428 district, hear appeals that would normally be filed by students,
429 parents or employees and heard by a local school board, which
430 hearings on appeal shall be conducted in a prompt and timely
431 manner in the school district from which the appeal originated in
432 order to ensure the ability of appellants, other parties and
433 witnesses to appeal without undue burden of travel costs or loss
434 of time from work, and perform other related duties as assigned by
435 the State Superintendent of Public Education. The deputy state
436 superintendent is responsible for the Mississippi Recovery School
437 District and shall determine, based on rigorous professional



438 qualifications set by the State Board of Education, the
439 appropriate individuals to be engaged to be interim
440 superintendents and financial advisors, if applicable, of all
441 school districts subject to district transformation status. After
442 State Board of Education approval, these individuals shall be
443 deemed independent contractors.

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

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



537 may be withheld from the district's adequate education program
538 funds.

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

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

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



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

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



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

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

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



612 superintendent of the school district be subject to recall. If
613 the Governor declares that the office of the superintendent of the
614 school district is subject to recall, the local school board or
615 the county election commission, as the case may be, shall take the
616 following action:

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

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

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



636 (ii) If the office of superintendent is an
637 appointive office, the name of the superintendent shall be
638 submitted by the president of the local school board at the next
639 regular meeting of the school board for retention in office or
640 dismissal from office. If a majority of the school board voting
641 on the question vote against retaining the superintendent in
642 office, a vacancy shall exist which shall be filled as provided by
643 law, otherwise the superintendent shall remain in office for the
644 duration of his employment contract.

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

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



661 State Board of Education. The ballot shall read substantially as
662 follows:

663 "Members of the _____ (here the title of the school
664 district shall be inserted) School Board who are not up for
665 election this year are subject to recall because of the school
666 district's failure to meet critical accountability standards as
667 defined in the letter of notification to the Governor from the
668 State Board of Education. Shall the member of the school board
669 representing this area, _____ (here the name of the school
670 board member holding the office shall be inserted), be retained in
671 office? Yes _____ No _____"

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



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

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

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

(18) Beginning with the school district audits conducted for the 1997-1998 fiscal year, the State Board of Education, acting through the Commission on School Accreditation, shall require each school district to comply with standards established by the State Department of Audit for the verification of fixed assets and the



auditing of fixed assets records as a minimum requirement for accreditation.

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

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

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

(21) If a local school district is determined as failing and placed into district transformation status for reasons authorized by the provisions of this section, the interim superintendent



734 appointed to the district shall, within forty-five (45) days after
735 being appointed, present a detailed and structured corrective
736 action plan to move the local school district out of district
737 transformation status to the deputy superintendent. A copy of the
738 interim superintendent's corrective action plan shall also be
739 filed with the State Board of Education.

740 (22) (a) In Leflore County, Mississippi, in which are
741 located, as of January 1, 2018, two (2) school districts, one (1)
742 of which having been determined by the Commission on School
743 Accreditation as failing and placed into a district of
744 transformation for reasons authorized by subsection (12)(b) of
745 this section based upon the request made to the Governor by the
746 State Board of Education to declare a state of emergency in such
747 failing school district for purpose of assigning an interim
748 superintendent as authorized under this section, there shall be
749 administration of that district as follows:

750 (i) The interim superintendent assigned to the
751 district by the deputy superintendent responsible for the
752 Mississippi Achievement School District shall serve as the
753 superintendent of such school district exercising all powers
754 prescribed to local superintendents of schools in Title 37,
755 Mississippi Code of 1972, for the administration of the day-to-day
756 operations of the district under the interim superintendent's
757 control as well as the responsibilities assigned under



subparagraphs (i) through (viii) of subsection (15) of this section;

(ii) The selection of a temporary board of trustees, selected in a manner indicative of the student demographics of the school district, which such board shall serve in the capacity as the previous board members removed by reason of the district's placement in district transformation status.

(b) In a district meeting the criteria of paragraph (a) of this subsection, the temporary board of trustees for the school district shall consist of five (5) members selected to such position as follows:

(i) The county board of supervisors shall appoint two (2) at-large members who shall reside in areas of the county which supply the greatest number of pupils enrolled in the schools of the district;

(ii) The mayor and board of aldermen of such incorporated area of the county wherein is located a historically Black public institution of higher learning shall appoint one (1) member to the temporary board; and

(iii) Two (2) members shall be selected from the county at large by the electorate in the manner prescribed in Section 37-5-1.

No former trustee of the board serving at the time the district was placed in conservatorship status shall be eligible for service on the temporary board of trustees. The newly



selected trustee shall take office immediately after their
election and shall serve until such time of the expiration or
removal of the district from transformation status. Upon a school
district being restored to accredited status, the Governor shall
call a special election for the purpose of electing a new board of
trustees for the district as provided in Section 37-5-19.

SECTION 2. Section 37-7-104.6, Mississippi Code of 1972,
which provides for the administrative consolidation of the Leflore
County and Greenwood Municipal Separate School Districts into a
new countywide school district designated as the Greenwood-Leflore
School District, is repealed.

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

