

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2624

1 AN ACT TO AMEND SECTION 37-16-3, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE AND DIRECT THE STATE DEPARTMENT OF EDUCATION TO REVISE
3 PROVISIONS RELATING TO ACHIEVEMENT LEVELS FOR CERTAIN STATEWIDE,
4 STANDARDIZED ASSESSMENTS, TO PROVIDE REQUIREMENTS FOR
5 ADMINISTRATION OF THE STANDARDIZED ENGLISH LANGUAGE ARTS AND
6 MATHEMATICS ASSESSMENTS IN SPECIFIED GRADES, TO REVISE REPORTING
7 REQUIREMENTS FOR CERTAIN STUDENT ASSESSMENT RESULTS; TO AMEND
8 SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT "A-F"
9 PERFORMANCE CATEGORIES FOR SCHOOLS AND SCHOOL DISTRICTS SHALL BE
10 REPORTED ON OR BEFORE AUGUST 15 ANNUALLY; AND FOR RELATED
11 PURPOSES.

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

13 **SECTION 1.** Section 37-16-3, Mississippi Code of 1972, is
14 amended as follows:

15 37-16-3. (1) The State Department of Education is directed
16 to implement a program of statewide assessment testing which shall
17 provide for the improvement of the operation and management of the
18 public schools. The statewide program shall be timed, as far as
19 possible, so as not to conflict with ongoing district assessment
20 programs. As part of the program, the department shall:

21 (a) Establish, with the approval of the State Board of
22 Education, minimum performance standards related to the goals for



education contained in the state's plan including, but not limited to, basic skills in reading, writing and mathematics. The minimum performance standards shall be approved by April 1 in each year they are established.

(b) Conduct a uniform statewide testing program in grades deemed appropriate in the public schools, including charter schools. The program may test skill areas, basic skills and high school course content.

(c) Monitor the results of the assessment program and, at any time the composite student performance of a school or basic program is found to be below the established minimum standards, notify the district superintendent or the governing board of the charter school, as the case may be, the school principal and the school advisory committee or other existing parent group of the situation within thirty (30) days of its determination. The department shall further provide technical assistance to a school district in the identification of the causes of this deficiency and shall recommend courses of action for its correction.

(d) Provide technical assistance to the school districts, when requested, in the development of student performance standards in addition to the established minimum statewide standards.

(e) Issue security procedure regulations providing for the security and integrity of the tests that are administered under the basic skills assessment program.



(f) In case of an allegation of a testing irregularity that prompts a need for an investigation by the Department of Education, the department may, in its discretion, take complete control of the statewide test administration in a school district or any part thereof, including, but not limited to, obtaining control of the test booklets and answer documents. In the case of any verified testing irregularity that jeopardized the security and integrity of the test(s), validity or the accuracy of the test results, the cost of the investigation and any other actual and necessary costs related to the investigation paid by the Department of Education shall be reimbursed by the local school district from funds other than federal funds, Mississippi Adequate Education Program funds, or any other state funds within six (6) months from the date of notice by the department to the school district to make reimbursement to the department.

(2) Uniform basic skills tests shall be completed by each student in the appropriate grade. These tests shall be administered in such a manner as to preserve the integrity and validity of the assessment. In the event of excused or unexcused student absences, make-up tests shall be given. The school superintendent of every school district in the state and the principal of each charter school shall annually certify to the State Department of Education that each student enrolled in the appropriate grade has completed the required basic skills



assessment test for his or her grade in a valid test administration.

(3) Within five (5) days of completing the administration of a statewide test, the principal of the school where the test was administered shall certify under oath to the State Department of Education that the statewide test was administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education. The principal's sworn certification shall be set forth on a form developed and approved by the Department of Education. If, following the administration of a statewide test, the principal has reason to believe that the test was not administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education, the principal shall submit a sworn certification to the Department of Education setting forth all information known or believed by the principal about all potential violations of the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education. The submission of false information or false certification to the Department of Education by any licensed educator may result in licensure disciplinary action pursuant to Section 37-3-2 and criminal prosecution pursuant to Section 37-16-4.

(4) A school district must provide a student's performance results on district-required local assessments to the student's



97 teachers within one (1) week and to the student's parents no later
98 than thirty (30) days after administering such assessments, unless
99 the superintendent determines in writing that extenuating
100 circumstances exist and reports the extenuating circumstances to
101 the district school board.

102 (5) The results of statewide, standardized ELA and
103 Mathematics assessments shall be reported in an easy-to-read and
104 understandable format to each student's current teacher of record
105 and to each student's teacher of record for the subsequent school
106 year before the start of that school year. A report of student
107 assessment results must, at a minimum, contain:

108 (a) A clear explanation of the student's performance on
109 the applicable statewide, standardized assessments.

110 (b) Information identifying the student's areas of
111 strength and areas in need of improvement.

112 (c) Specific actions that may be taken, and the
113 available resources that may be used, by the student's parent to
114 assist his or her child based on the student's areas of strength
115 and areas in need of improvement.

116 (d) Longitudinal information, if available, on the
117 student's progress in each subject area based on previous
118 statewide, standardized assessment data.

119 (e) Comparative information showing the student's score
120 compared to other students in the school district, in the state,
121 or, if available, in other states.



(f) Predictive information, if available, showing the linkage between the scores attained by the student on the statewide, standardized assessments and the scores he or she may potentially attain on nationally recognized college entrance examinations.

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

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

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

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

Number of Students	Number of Certified
Per School Library	School Librarians
0 - 499 Students	1/2 Full-time Equivalent
	Certified Librarian



500 or More Students

1 Full-time Certified

Librarian

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

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

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

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

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

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



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

174 (b) Strong accountability for results with appropriate
175 local flexibility for local implementation;

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

178 (d) Individual schools shall be held accountable for
179 student growth and performance;

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

183 (f) A determination of which schools exceed their
184 standards and a plan for providing recognition and rewards to
185 those schools;

186 (g) A determination of which schools are failing to
187 meet their standards and a determination of the appropriate role
188 of the State Board of Education and the State Department of
189 Education in providing assistance and initiating possible
190 intervention. A failing district is a district that fails to meet
191 both the absolute student achievement standards and the rate of
192 annual growth expectation standards as set by the State Board of
193 Education for two (2) consecutive years. The State Board of
194 Education shall establish the level of benchmarks by which
195 absolute student achievement and growth expectations shall be
196 assessed. In setting the benchmarks for school districts, the



197 State Board of Education may also take into account such factors
198 as graduation rates, dropout rates, completion rates, the extent
199 to which the school or district employs qualified teachers in
200 every classroom, and any other factors deemed appropriate by the
201 State Board of Education. The State Board of Education, acting
202 through the State Department of Education, shall apply a simple
203 "A," "B," "C," "D" and "F" designation to the current school and
204 school district statewide accountability performance
205 classification labels beginning with the State Accountability
206 Results for the 2011-2012 school year and following, and in the
207 school, district and state report cards required under state and
208 federal law. Under the new designations, a school or school
209 district that has earned a "Star" rating shall be designated an
210 "A" school or school district; a school or school district that
211 has earned a "High-Performing" rating shall be designated a "B"
212 school or school district; a school or school district that has
213 earned a "Successful" rating shall be designated a "C" school or
214 school district; a school or school district that has earned an
215 "Academic Watch" rating shall be designated a "D" school or school
216 district; a school or school district that has earned a
217 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
218 be designated an "F" school or school district. Effective with
219 the implementation of any new curriculum and assessment standards,
220 the State Board of Education, acting through the State Department
221 of Education, is further authorized and directed to change the



222 school and school district accreditation rating system to a simple
223 "A," "B," "C," "D," and "F" designation based on a combination of
224 student achievement scores and student growth as measured by the
225 statewide testing programs developed by the State Board of
226 Education pursuant to Chapter 16, Title 37, Mississippi Code of
227 1972. In any statute or regulation containing the former
228 accreditation designations, the new designations shall be
229 applicable. Beginning with the 2018-2019 school year "A-F"
230 performance categories for schools and school districts shall be
231 reported on or before August 15 annually;

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

234 (i) The State Board of Education may, based on a
235 written request that contains specific reasons for requesting a
236 waiver from the school districts affected by Hurricane Katrina of
237 2005, hold harmless school districts from assignment of district
238 and school level accountability ratings for the 2005-2006 school
239 year. The State Board of Education upon finding an extreme
240 hardship in the school district may grant the request. It is the
241 intent of the Legislature that all school districts maintain the
242 highest possible academic standards and instructional programs in
243 all schools as required by law and the State Board of Education.

244 (5) (a) Effective with the 2013-2014 school year, the State
245 Department of Education, acting through the Mississippi Commission
246 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;



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

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

282 (v) The State Department of Education shall
283 discontinue the use of Star School, High-Performing, Successful,
284 Academic Watch, Low-Performing, At-Risk of Failing and Failing
285 school accountability designations;

286 (vi) The system shall include the federally
287 compliant four-year graduation rate in school and school district
288 accountability system calculations. Graduation rate will apply to
289 high school and school district accountability ratings as a
290 compensatory component. The system shall discontinue the use of
291 the High School Completer Index (HSCI);

292 (vii) The school and school district
293 accountability system shall incorporate a standards-based growth
294 model, in order to support improvement of individual student
295 learning;



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

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

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

(xi) Beginning with the 2018-2019 school year, the "A-F" performance categories for schools and school districts shall be reported on or before August 15 annually.

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

(7) The State Board of Education shall create an accreditation audit unit under the Commission on School



321 Accreditation to determine whether schools are complying with
322 accreditation standards.

323 (8) The State Board of Education shall be specifically
324 authorized and empowered to withhold adequate education program
325 fund allocations, whichever is applicable, to any public school
326 district for failure to timely report student, school personnel
327 and fiscal data necessary to meet state and/or federal
328 requirements.

329 (9) [Deleted]

330 (10) The State Board of Education shall establish, for those
331 school districts failing to meet accreditation standards, a
332 program of development to be complied with in order to receive
333 state funds, except as otherwise provided in subsection (15) of
334 this section when the Governor has declared a state of emergency
335 in a school district or as otherwise provided in Section 206,
336 Mississippi Constitution of 1890. The state board, in
337 establishing these standards, shall provide for notice to schools
338 and sufficient time and aid to enable schools to attempt to meet
339 these standards, unless procedures under subsection (15) of this
340 section have been invoked.

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



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

347 (b) Notify any applicable school district failing to
348 meet accreditation standards that it is on probation until
349 corrective actions are taken or until the deficiencies have been
350 removed. The local school district shall develop a corrective
351 action plan to improve its deficiencies. For district academic
352 deficiencies, the corrective action plan for each such school
353 district shall be based upon a complete analysis of the following:
354 student test data, student grades, student attendance reports,
355 student dropout data, existence and other relevant data. The
356 corrective action plan shall describe the specific measures to be
357 taken by the particular school district and school to improve:
358 (i) instruction; (ii) curriculum; (iii) professional development;
359 (iv) personnel and classroom organization; (v) student incentives
360 for performance; (vi) process deficiencies; and (vii) reporting to
361 the local school board, parents and the community. The corrective
362 action plan shall describe the specific individuals responsible
363 for implementing each component of the recommendation and how each
364 will be evaluated. All corrective action plans shall be provided
365 to the State Board of Education as may be required. The decision
366 of the State Board of Education establishing the probationary
367 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 shall be authorized, with the approval of the State Board of Education, to withdraw the accreditation of a public school district, and issue a request to the Governor that a state of emergency be declared in that district.

(b) If the State Board of Education and the Commission on School Accreditation determine that an extreme emergency situation exists in a school district that jeopardizes the safety, security or educational interests of the children enrolled in the schools in that district and that emergency situation is believed



to be related to a serious violation or violations of accreditation standards or state or federal law, or when a school district meets the State Board of Education's definition of a failing school district for two (2) consecutive full school years, or if more than fifty percent (50%) of the schools within the school district are designated as Schools At-Risk in any one (1) year, the State Board of Education may request the Governor to declare a state of emergency in that school district. For purposes of this paragraph, the declarations of a state of emergency shall not be limited to those instances when a school district's impairments are related to a lack of financial resources, but also shall include serious failure to meet minimum academic standards, as evidenced by a continued pattern of poor student performance.

(c) Whenever the Governor declares a state of emergency 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
been declared, the State Board of Education may request the
Governor to declare that the state of emergency no longer exists
in the district.

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



493 accredited by the Commission on School Accreditation may grant the
494 transfer according to the procedures of Section 37-15-31(1)(b).
495 In the event the accreditation of the student's home district is
496 restored after a transfer has been approved, the student may
497 continue to attend the transferee school district. The per-pupil
498 amount of the adequate education program allotment, including the
499 collective "add-on program" costs for the student's home school
500 district shall be transferred monthly to the school district
501 accredited by the Commission on School Accreditation that has
502 granted the transfer of the school-age child.

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

506 (i) Place the school district into district
507 transformation, in which the school district shall remain until it
508 has fulfilled all conditions related to district transformation.
509 If the district was assigned an accreditation rating of "D" or "F"
510 when placed into district transformation, the district shall be
511 eligible to return to local control when the school district has
512 attained a "C" rating or higher for five (5) consecutive years,
513 unless the State Board of Education determines that the district
514 is eligible to return to local control in less than the five-year
515 period;



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

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

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

(g) There is established a Mississippi Recovery School District within the State Department of Education under the supervision of a deputy superintendent appointed by the State Superintendent of Public Education, who is subject to the approval by the State Board of Education. The Mississippi Recovery School District shall provide leadership and oversight of all school districts that are subject to district transformation status, as defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall have all the authority granted under these two (2)



541 chapters. The Mississippi Department of Education, with the
542 approval of the State Board of Education, shall develop policies
543 for the operation and management of the Mississippi Recovery
544 School District. The deputy state superintendent is responsible
545 for the Mississippi Recovery School District and shall be
546 authorized to oversee the administration of the Mississippi
547 Recovery School District, oversee the interim superintendent
548 assigned by the State Board of Education to a local school
549 district, hear appeals that would normally be filed by students,
550 parents or employees and heard by a local school board, which
551 hearings on appeal shall be conducted in a prompt and timely
552 manner in the school district from which the appeal originated in
553 order to ensure the ability of appellants, other parties and
554 witnesses to appeal without undue burden of travel costs or loss
555 of time from work, and perform other related duties as assigned by
556 the State Superintendent of Public Education. The deputy state
557 superintendent is responsible for the Mississippi Recovery School
558 District and shall determine, based on rigorous professional
559 qualifications set by the State Board of Education, the
560 appropriate individuals to be engaged to be interim
561 superintendents and financial advisors, if applicable, of all
562 school districts subject to district transformation status. After
563 State Board of Education approval, these individuals shall be
564 deemed independent contractors.



(13) Upon the declaration of a state of emergency in a school district under subsection (12) of this section, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks 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 size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If an interim superintendent has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed interim superintendent (name of interim superintendent)."

The notice also shall include, in the discretion of the State 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



614 the school district, including, but not limited to, the following
615 activities:

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

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

631 (iii) Reviewing the district's total financial
632 obligations and operations and making recommendations to the
633 district for cost savings, including, but not limited to,
634 reassigning the duties and responsibilities of staff;

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



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

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

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

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

651 The cost of the salary of the interim superintendent and any
652 other actual and necessary costs related to district
653 transformation status paid by the State Department of Education
654 shall be reimbursed by the local school district from funds other
655 than adequate education program funds. The department shall
656 submit an itemized statement to the superintendent of the local
657 school district for reimbursement purposes, and any unpaid balance
658 may be withheld from the district's adequate education program
659 funds.

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



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

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

The State Board of Education may loan monies from the School District Emergency Assistance Fund to a school district that is under a state of emergency or in district transformation status, 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



687 the School District Emergency Assistance Fund by the school
688 district from any allowable funds that are available. The total
689 amount loaned to the district shall be due and payable within five
690 (5) years after the impairments related to a lack of financial
691 resources are corrected. If a school district fails to make
692 payments on the loan in accordance with the terms of the agreement
693 between the district and the State Board of Education, the State
694 Department of Education, in accordance with rules and regulations
695 established by the State Board of Education, may withhold that
696 district's adequate education program funds in an amount and
697 manner that will effectuate repayment consistent with the terms of
698 the agreement; the funds withheld by the department shall be
699 deposited into the School District Emergency Assistance Fund.

700 The State Board of Education shall develop a protocol that
701 will outline the performance standards and requisite timeline
702 deemed necessary for extreme emergency measures. If the State
703 Board of Education determines that an extreme emergency exists,
704 simultaneous with the powers exercised in this subsection, it
705 shall take immediate action against all parties responsible for
706 the affected school districts having been determined to be in an
707 extreme emergency. The action shall include, but not be limited
708 to, initiating civil actions to recover funds and criminal actions
709 to account for criminal activity. Any funds recovered by the
710 State Auditor or the State Board of Education from the surety
711 bonds of school officials or from any civil action brought under



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

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

726 (17) (a) If the Governor declares a state of emergency in a
727 school district, the State Board of Education may take all such
728 action pertaining to that school district as is authorized under
729 subsection (12) or (15) of this section, including the appointment
730 of an interim superintendent. The State Board of Education shall
731 also have the authority to issue a written request with
732 documentation to the Governor asking that the office of the
733 superintendent of the school district be subject to recall. If
734 the Governor declares that the office of the superintendent of the
735 school district is subject to recall, the local school board or



736 the county election commission, as the case may be, shall take the
737 following action:

738 (i) If the office of superintendent is an elected
739 office, in those years in which there is no general election, the
740 name shall be submitted by the State Board of Education to the
741 county election commission, and the county election commission
742 shall submit the question at a special election to the voters
743 eligible to vote for the office of superintendent within the
744 county, and the special election shall be held within sixty (60)
745 days from notification by the State Board of Education. The
746 ballot shall read substantially as follows:

747 "Shall County Superintendent of Education _____ (here the
748 name of the superintendent shall be inserted) of the _____
749 (here the title of the school district shall be inserted) be
750 retained in office? Yes _____ No _____"

751 If a majority of those voting on the question votes against
752 retaining the superintendent in office, a vacancy shall exist
753 which shall be filled in the manner provided by law; otherwise,
754 the superintendent shall remain in office for the term of that
755 office, and at the expiration of the term shall be eligible for
756 qualification and election to another term or terms.

757 (ii) If the office of superintendent is an
758 appointive office, the name of the superintendent shall be
759 submitted by the president of the local school board at the next
760 regular meeting of the school board for retention in office or



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

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

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

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



786 election this year are subject to recall because of the school
787 district's failure to meet critical accountability standards as
788 defined in the letter of notification to the Governor from the
789 State Board of Education. Shall the member of the school board
790 representing this area, _____ (here the name of the school
791 board member holding the office shall be inserted), be retained in
792 office? Yes _____ No _____"

793 If a majority of those voting on the question vote against
794 retaining the member of the school board in office, a vacancy in
795 that board member's office shall exist, which shall be filled in
796 the manner provided by law; otherwise, the school board member
797 shall remain in office for the term of that office, and at the
798 expiration of the term of office, the member shall be eligible for
799 qualification and election to another term or terms of office.

800 However, if a majority of the school board members are recalled in
801 the special election, the Governor shall authorize the board of
802 supervisors of the county in which the school district is situated
803 to appoint members to fill the offices of the members recalled.

804 The board of supervisors shall make those appointments in the
805 manner provided by law for filling vacancies on the school board,
806 and the appointed members shall serve until the office is filled
807 at the next regular special election or general election.

808 (ii) If the local school board is an appointed
809 school board, the name of all school board members shall be
810 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 appointed to the district shall, within forty-five (45) days after being appointed, present a detailed and structured corrective action plan to move the local school district out of district transformation status to the deputy superintendent. A copy of the interim superintendent's corrective action plan shall also be filed with the State Board of Education.



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

