

By: Representative Arnold

To: Education

HOUSE BILL NO. 131

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO  
 2 REVISE THE ASSIGNMENT OF POINTS FOR PURPOSES OF ACCOUNTABILITY  
 3 GRADING ASSIGNMENTS TO K-12 ATTENDANCE CENTERS; TO PROVIDE THAT  
 4 ACCOUNTABILITY GRADES SHALL BE ASSIGNED SEPARATELY FOR ATTENDANCE  
 5 CENTER STUDENTS IN GRADES K-8 ON A 700-POINT SCALE AND FOR  
 6 ATTENDANCE CENTER STUDENTS IN GRADES 9-12 ON A 1,000-POINT SCALE;  
 7 AND FOR RELATED PURPOSES.

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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



95 earned a "Successful" rating shall be designated a "C" school or  
96 school district; a school or school district that has earned an  
97 "Academic Watch" rating shall be designated a "D" school or school  
98 district; a school or school district that has earned a  
99 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall  
100 be designated an "F" school or school district. Effective with  
101 the implementation of any new curriculum and assessment standards,  
102 the State Board of Education, acting through the State Department  
103 of Education, is further authorized and directed to change the  
104 school and school district accreditation rating system to a simple  
105 "A," "B," "C," "D," and "F" designation based on a combination of  
106 student achievement scores and student growth as measured by the  
107 statewide testing programs developed by the State Board of  
108 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
109 1972. In any statute or regulation containing the former  
110 accreditation designations, the new designations shall be  
111 applicable. Beginning in the 2019-2020 school year, as it relates  
112 to the assignment of accountability labels for grading assignments  
113 to K-12 attendance centers, the Commission on School Accreditation  
114 shall separately assign accountability grades for the center's K-8  
115 students on a scale of seven hundred (700) points, and shall  
116 assign accountability grades for the center's Grades 9-12 students  
117 on a scale of one thousand (1,000) points. The commission shall  
118 use the same components outlined in the 2018 Public School  
119 Accountability Standards;



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

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

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

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

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

142 (iii) To have sixty percent (60%) of students  
143 scoring proficient and advanced on the assessments of the Common



144 Core State Standards by 2016 with incremental increases of three  
145 percent (3%) each year thereafter.

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

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

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

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

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

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



168 schools, the lowest ten percent (10%) of school grade point  
169 designees will be identified as Focus schools;

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

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

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

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

186 (ix) The State Department of Education shall  
187 determine feeder patterns of schools that do not earn a school  
188 grade because the grades and subjects taught at the school do not  
189 have statewide standardized assessments needed to calculate a  
190 school grade. Upon determination of the feeder pattern, the  
191 department shall notify schools and school districts prior to the  
192 release of the school grades beginning in 2013. Feeder schools





193 will be assigned the accountability designation of the school to  
194 which they provide students;

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

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

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

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

214           (9) [Deleted]

215           (10) The State Board of Education shall establish, for those  
216 school districts failing to meet accreditation standards, a  
217 program of development to be complied with in order to receive



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

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

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

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



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

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

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



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

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

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



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

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



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

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

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

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

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



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

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

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

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



367 (d) At the time that satisfactory corrective action has  
368 been taken in a school district in which a state of emergency has  
369 been declared, the State Board of Education may request the  
370 Governor to declare that the state of emergency no longer exists  
371 in the district.

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

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





391 (i) Place the school district into district  
392 transformation, in which the school district shall remain until it  
393 has fulfilled all conditions related to district transformation.  
394 If the district was assigned an accreditation rating of "D" or "F"  
395 when placed into district transformation, the district shall be  
396 eligible to return to local control when the school district has  
397 attained a "C" rating or higher for five (5) consecutive years,  
398 unless the State Board of Education determines that the district  
399 is eligible to return to local control in less than the five-year  
400 period;

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

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

409 (iv) Require the school district to develop and  
410 implement a district improvement plan with prescriptive guidance  
411 and support from the State Department of Education, with the goal  
412 of helping the district improve student achievement. Failure of  
413 the school board, superintendent and school district staff to  
414 implement the plan with fidelity and participate in the activities



415 provided as support by the department shall result in the school  
416 district retaining its eligibility for district transformation.

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



440 of time from work, and perform other related duties as assigned by  
441 the State Superintendent of Public Education. The deputy state  
442 superintendent is responsible for the Mississippi Recovery School  
443 District and shall determine, based on rigorous professional  
444 qualifications set by the State Board of Education, the  
445 appropriate individuals to be engaged to be interim  
446 superintendents and financial advisors, if applicable, of all  
447 school districts subject to district transformation status. After  
448 State Board of Education approval, these individuals shall be  
449 deemed independent contractors.

450 (13) Upon the declaration of a state of emergency in a  
451 school district under subsection (12) of this section, the  
452 Commission on School Accreditation shall be responsible for public  
453 notice at least once a week for at least three (3) consecutive  
454 weeks in a newspaper published within the jurisdiction of the  
455 school district failing to meet accreditation standards, or if no  
456 newspaper is published therein, then in a newspaper having a  
457 general circulation therein. The size of the notice shall be no  
458 smaller than one-fourth (1/4) of a standard newspaper page and  
459 shall be printed in bold print. If an interim superintendent has  
460 been appointed for the school district, the notice shall begin as  
461 follows: "By authority of Section 37-17-6, Mississippi Code of  
462 1972, as amended, adopted by the Mississippi Legislature during  
463 the 1991 Regular Session, this school district (name of school  
464 district) is hereby placed under the jurisdiction of the State



465 Department of Education acting through its appointed interim  
466 superintendent (name of interim superintendent)."

467 The notice also shall include, in the discretion of the State  
468 Board of Education, any or all details relating to the school  
469 district's emergency status, including the declaration of a state  
470 of emergency in the school district and a description of the  
471 district's impairment deficiencies, conditions of any district  
472 transformation status and corrective actions recommended and being  
473 taken. Public notices issued under this section shall be subject  
474 to Section 13-3-31 and not contrary to other laws regarding  
475 newspaper publication.

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

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

487 Nothing in this section shall be construed to grant any  
488 individual, corporation, board or interim superintendent the



489 authority to levy taxes except in accordance with presently  
490 existing statutory provisions.

491 (15) (a) Whenever the Governor declares a state of  
492 emergency in a school district in response to a request made under  
493 subsection (12) of this section, the State Board of Education, in  
494 its discretion, may assign an interim superintendent to the school  
495 district, or in its discretion, may contract with an appropriate  
496 private entity with experience in the academic, finance and other  
497 operational functions of schools and school districts, who will be  
498 responsible for the administration, management and operation of  
499 the school district, including, but not limited to, the following  
500 activities:

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

511 (ii) Supervising the day-to-day activities of the  
512 district's staff, including reassigning the duties and  
513 responsibilities of personnel in a manner which, in the



514 determination of the interim superintendent, will best suit the  
515 needs of the district;

516 (iii) Reviewing the district's total financial  
517 obligations and operations and making recommendations to the  
518 district for cost savings, including, but not limited to,  
519 reassigning the duties and responsibilities of staff;

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

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

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

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

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

536 The cost of the salary of the interim superintendent and any  
537 other actual and necessary costs related to district  
538 transformation status paid by the State Department of Education



539 shall be reimbursed by the local school district from funds other  
540 than adequate education program funds. The department shall  
541 submit an itemized statement to the superintendent of the local  
542 school district for reimbursement purposes, and any unpaid balance  
543 may be withheld from the district's adequate education program  
544 funds.

545 At the time that the Governor, in accordance with the request  
546 of the State Board of Education, declares that the state of  
547 emergency no longer exists in a school district, the powers and  
548 responsibilities of the interim superintendent assigned to the  
549 district shall cease.

550 (b) In order to provide loans to school districts under  
551 a state of emergency or in district transformation status that  
552 have impairments related to a lack of financial resources, the  
553 School District Emergency Assistance Fund is created as a special  
554 fund in the State Treasury into which monies may be transferred or  
555 appropriated by the Legislature from any available public  
556 education funds. Funds in the School District Emergency  
557 Assistance Fund up to a maximum balance of Three Million Dollars  
558 (\$3,000,000.00) annually shall not lapse but shall be available  
559 for expenditure in subsequent years subject to approval of the  
560 State Board of Education. Any amount in the fund in excess of  
561 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
562 year shall lapse into the State General Fund or the Education  
563 Enhancement Fund, depending on the source of the fund.



564           The State Board of Education may loan monies from the School  
565 District Emergency Assistance Fund to a school district that is  
566 under a state of emergency or in district transformation status,  
567 in those amounts, as determined by the board, that are necessary  
568 to correct the district's impairments related to a lack of  
569 financial resources. The loans shall be evidenced by an agreement  
570 between the school district and the State Board of Education and  
571 shall be repayable in principal, without necessity of interest, to  
572 the School District Emergency Assistance Fund by the school  
573 district from any allowable funds that are available. The total  
574 amount loaned to the district shall be due and payable within five  
575 (5) years after the impairments related to a lack of financial  
576 resources are corrected. If a school district fails to make  
577 payments on the loan in accordance with the terms of the agreement  
578 between the district and the State Board of Education, the State  
579 Department of Education, in accordance with rules and regulations  
580 established by the State Board of Education, may withhold that  
581 district's adequate education program funds in an amount and  
582 manner that will effectuate repayment consistent with the terms of  
583 the agreement; the funds withheld by the department shall be  
584 deposited into the School District Emergency Assistance Fund.

585           The State Board of Education shall develop a protocol that  
586 will outline the performance standards and requisite timeline  
587 deemed necessary for extreme emergency measures. If the State  
588 Board of Education determines that an extreme emergency exists,





589 simultaneous with the powers exercised in this subsection, it  
590 shall take immediate action against all parties responsible for  
591 the affected school districts having been determined to be in an  
592 extreme emergency. The action shall include, but not be limited  
593 to, initiating civil actions to recover funds and criminal actions  
594 to account for criminal activity. Any funds recovered by the  
595 State Auditor or the State Board of Education from the surety  
596 bonds of school officials or from any civil action brought under  
597 this subsection shall be applied toward the repayment of any loan  
598 made to a school district hereunder.

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

611 (17) (a) If the Governor declares a state of emergency in a  
612 school district, the State Board of Education may take all such  
613 action pertaining to that school district as is authorized under



614 subsection (12) or (15) of this section, including the appointment  
615 of an interim superintendent. The State Board of Education shall  
616 also have the authority to issue a written request with  
617 documentation to the Governor asking that the office of the  
618 superintendent of the school district be subject to recall. If  
619 the Governor declares that the office of the superintendent of the  
620 school district is subject to recall, the local school board or  
621 the county election commission, as the case may be, shall take the  
622 following action:

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

632           "Shall County Superintendent of Education \_\_\_\_\_ (here the  
633 name of the superintendent shall be inserted) of the \_\_\_\_\_  
634 (here the title of the school district shall be inserted) be  
635 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

636           If a majority of those voting on the question votes against  
637 retaining the superintendent in office, a vacancy shall exist  
638 which shall be filled in the manner provided by law; otherwise,



639 the superintendent shall remain in office for the term of that  
640 office, and at the expiration of the term shall be eligible for  
641 qualification and election to another term or terms.

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

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

658 (i) If the members of the local school board are  
659 elected to office, in those years in which the specific member's  
660 office is not up for election, the name of the school board member  
661 shall be submitted by the State Board of Education to the county  
662 election commission, and the county election commission at a  
663 special election shall submit the question to the voters eligible



664 to vote for the particular member's office within the county or  
665 school district, as the case may be, and the special election  
666 shall be held within sixty (60) days from notification by the  
667 State Board of Education. The ballot shall read substantially as  
668 follows:

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

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



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

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

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

710 (18) Beginning with the school district audits conducted for  
711 the 1997-1998 fiscal year, the State Board of Education, acting  
712 through the Commission on School Accreditation, shall require each  
713 school district to comply with standards established by the State



714 Department of Audit for the verification of fixed assets and the  
715 auditing of fixed assets records as a minimum requirement for  
716 accreditation.

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

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

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

737 (21) If a local school district is determined as failing and  
738 placed into district transformation status for reasons authorized



739 by the provisions of this section, the interim superintendent  
740 appointed to the district shall, within forty-five (45) days after  
741 being appointed, present a detailed and structured corrective  
742 action plan to move the local school district out of district  
743 transformation status to the deputy superintendent. A copy of the  
744 interim superintendent's corrective action plan shall also be  
745 filed with the State Board of Education.

746         **SECTION 2.** This act shall take effect and be in force from  
747 and after July 1, 2019.

