

By: Representative Currie

To: Education

HOUSE BILL NO. 331

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE METHOD OF CALCULATING HIGH SCHOOL GRADUATION RATES FOR
3 PURPOSES OF ACCOUNTABILITY BY CALCULATING RATES BASED ON A
4 FIVE-YEAR COMPLETION MODEL FOR EARNING A STANDARD DIPLOMA; AND FOR
5 RELATED PURPOSES.

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

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

9 37-17-6. (1) The State Board of Education, acting through
10 the Commission on School Accreditation, shall establish and
11 implement a permanent performance-based accreditation system, and
12 all noncharter public elementary and secondary schools shall be
13 accredited under this system.

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

18 (3) (a) * * * The State Board of Education, acting through
19 the Commission on School Accreditation, shall require that school



20 districts employ certified school librarians according to the
21 following formula:

22	Number of Students	Number of Certified
23	Per School Library	School Librarians
24	0 - 499 Students	1/2 Full-time Equivalent
25		Certified Librarian
26	500 or More Students	1 Full-time Certified
27		Librarian

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

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

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

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

42 (f) Any additional millage levied to fund school
43 librarians required for accreditation under this subsection shall
44 be included in the tax increase limitation set forth in Sections



45 37-57-105 and 37-57-107 and shall not be deemed a new program for
46 purposes of the limitation.

47 (4) * * * The State Board of Education shall implement the
48 performance-based accreditation system for school districts and
49 for individual noncharter public schools which shall include the
50 following:

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

53 (b) Strong accountability for results with appropriate
54 local flexibility for local implementation;

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

57 (d) Individual schools shall be held accountable for
58 student growth and performance;

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

62 (f) A determination of which schools exceed their
63 standards and a plan for providing recognition and rewards to
64 those schools;

65 (g) A determination of which schools are failing to
66 meet their standards and a determination of the appropriate role
67 of the State Board of Education and the State Department of
68 Education in providing assistance and initiating possible
69 intervention. A failing district is a district that fails to meet



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



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

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

111 (i) The State Board of Education may, based on a
112 written request that contains specific reasons for requesting a
113 waiver from the school districts affected by Hurricane Katrina of
114 2005, hold harmless school districts from assignment of district
115 and school level accountability ratings for the 2005-2006 school
116 year. The State Board of Education upon finding an extreme
117 hardship in the school district may grant the request. It is the
118 intent of the Legislature that all school districts maintain the



119 highest possible academic standards and instructional programs in
120 all schools as required by law and the State Board of Education.

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

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

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

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

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

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

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



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

148 (iii) * * * Five-year graduation rate: the
149 percent of students graduating with a standard high school diploma
150 in * * * five (5) years, as defined by federal regulations;

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

159 (v) The State Department of Education shall
160 discontinue the use of Star School, High-Performing, Successful,
161 Academic Watch, Low-Performing, At-Risk of Failing and Failing
162 school accountability designations;

163 (vi) The system shall include the federally
164 compliant * * * five-year graduation rate in school and school
165 district accountability system calculations. Graduation rate will
166 apply to high school and school district accountability ratings as
167 a compensatory component * * *;



168 (vii) The school and school district
169 accountability system shall incorporate a standards-based growth
170 model, in order to support improvement of individual student
171 learning;

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

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

183 (x) Standards for student, school and school
184 district performance will be increased when student proficiency is
185 at a seventy-five percent (75%) and/or when sixty-five percent
186 (65%) of the schools and/or school districts are earning a grade
187 of "B" or higher, in order to raise the standard on performance
188 after targets are met.

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



192 (7) The State Board of Education shall create an
193 accreditation audit unit under the Commission on School
194 Accreditation to determine whether schools are complying with
195 accreditation standards.

196 (8) The State Board of Education shall be specifically
197 authorized and empowered to withhold adequate education program
198 fund allocations, whichever is applicable, to any public school
199 district for failure to timely report student, school personnel
200 and fiscal data necessary to meet state and/or federal
201 requirements.

202 (9) [Deleted]

203 (10) The State Board of Education shall establish, for those
204 school districts failing to meet accreditation standards, a
205 program of development to be complied with in order to receive
206 state funds, except as otherwise provided in subsection (15) of
207 this section when the Governor has declared a state of emergency
208 in a school district or as otherwise provided in Section 206,
209 Mississippi Constitution of 1890. The state board, in
210 establishing these standards, shall provide for notice to schools
211 and sufficient time and aid to enable schools to attempt to meet
212 these standards, unless procedures under subsection (15) of this
213 section have been invoked.

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



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

220 (b) Notify any applicable school district failing to
221 meet accreditation standards that it is on probation until
222 corrective actions are taken or until the deficiencies have been
223 removed. The local school district shall develop a corrective
224 action plan to improve its deficiencies. For district academic
225 deficiencies, the corrective action plan for each such school
226 district shall be based upon a complete analysis of the following:
227 student test data, student grades, student attendance reports,
228 student dropout data, existence and other relevant data. The
229 corrective action plan shall describe the specific measures to be
230 taken by the particular school district and school to improve:
231 (i) instruction; (ii) curriculum; (iii) professional development;
232 (iv) personnel and classroom organization; (v) student incentives
233 for performance; (vi) process deficiencies; and (vii) reporting to
234 the local school board, parents and the community. The corrective
235 action plan shall describe the specific individuals responsible
236 for implementing each component of the recommendation and how each
237 will be evaluated. All corrective action plans shall be provided
238 to the State Board of Education as may be required. The decision
239 of the State Board of Education establishing the probationary
240 period of time shall be final;



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

243 * * * Subject to the availability of funds, the State Department
244 of Education shall provide technical and/or financial assistance
245 to all such school districts in order to implement each measure
246 identified in that district's corrective action plan through
247 professional development and on-site assistance. Each such school
248 district shall apply for and utilize all available federal funding
249 in order to support its corrective action plan in addition to
250 state funds made available under this paragraph;

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

256 (e) Provide for publication of public notice at least
257 one time during the probationary period, in a newspaper published
258 within the jurisdiction of the school district failing to meet
259 accreditation standards, or if no newspaper is published therein,
260 then in a newspaper having a general circulation therein. The
261 publication shall include the following: declaration of school
262 system's status as being on probation; all details relating to the
263 impairment report; and other information as the State Board of
264 Education deems appropriate. Public notices issued under this



265 section shall be subject to Section 13-3-31 and not contrary to
266 other laws regarding newspaper publication.

267 (12) (a) If the recommendations for corrective action are
268 not taken by the local school district or if the deficiencies are
269 not removed by the end of the probationary period, the Commission
270 on School Accreditation shall conduct a hearing to allow the
271 affected school district to present evidence or other reasons why
272 its accreditation should not be withdrawn. Additionally, if the
273 local school district violates accreditation standards that have
274 been determined by the policies and procedures of the State Board
275 of Education to be a basis for withdrawal of school district's
276 accreditation without a probationary period, the Commission on
277 School Accreditation shall conduct a hearing to allow the affected
278 school district to present evidence or other reasons why its
279 accreditation should not be withdrawn. After its consideration of
280 the results of the hearing, the Commission on School Accreditation
281 shall be authorized, with the approval of the State Board of
282 Education, to withdraw the accreditation of a public school
283 district, and issue a request to the Governor that a state of
284 emergency be declared in that district.

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



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

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

308 (i) Declare a state of emergency, under which some
309 or all of state funds can be escrowed except as otherwise provided
310 in Section 206, Constitution of 1890, until the board determines
311 corrective actions are being taken or the deficiencies have been
312 removed, or that the needs of students warrant the release of
313 funds. The funds may be released from escrow for any program
314 which the board determines to have been restored to standard even



315 though the state of emergency may not as yet be terminated for the
316 district as a whole;

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

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

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

331 (v) For states of emergency declared under
332 paragraph (a) only, if the accreditation deficiencies are related
333 to the fact that the school district is too small, with too few
334 resources, to meet the required standards and if another school
335 district is willing to accept those students, abolish that
336 district and assign that territory to another school district or
337 districts. If the school district has proposed a voluntary
338 consolidation with another school district or districts, then if
339 the State Board of Education finds that it is in the best interest



340 of the pupils of the district for the consolidation to proceed,
341 the voluntary consolidation shall have priority over any such
342 assignment of territory by the State Board of Education;

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

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

354 (d) At the time that satisfactory corrective action has
355 been taken in a school district in which a state of emergency has
356 been declared, the State Board of Education may request the
357 Governor to declare that the state of emergency no longer exists
358 in the district.

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



365 accredited by the Commission on School Accreditation may grant the
366 transfer according to the procedures of Section 37-15-31(1)(b).
367 In the event the accreditation of the student's home district is
368 restored after a transfer has been approved, the student may
369 continue to attend the transferee school district. The per-pupil
370 amount of the adequate education program allotment, including the
371 collective "add-on program" costs for the student's home school
372 district shall be transferred monthly to the school district
373 accredited by the Commission on School Accreditation that has
374 granted the transfer of the school-age child.

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

378 (i) Place the school district into district
379 transformation, in which the school district shall remain until it
380 has fulfilled all conditions related to district transformation.
381 If the district was assigned an accreditation rating of "D" or "F"
382 when placed into district transformation, the district shall be
383 eligible to return to local control when the school district has
384 attained a "C" rating or higher for five (5) consecutive years,
385 unless the State Board of Education determines that the district
386 is eligible to return to local control in less than the five-year
387 period;



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

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

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

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



413 chapters. The * * * State Department of Education, with the
414 approval of the State Board of Education, shall develop policies
415 for the operation and management of the Mississippi Recovery
416 School District. The deputy state superintendent is responsible
417 for the Mississippi Recovery School District and shall be
418 authorized to oversee the administration of the Mississippi
419 Recovery School District, oversee the interim superintendent
420 assigned by the State Board of Education to a local school
421 district, hear appeals that would normally be filed by students,
422 parents or employees and heard by a local school board, which
423 hearings on appeal shall be conducted in a prompt and timely
424 manner in the school district from which the appeal originated in
425 order to ensure the ability of appellants, other parties and
426 witnesses to appeal without undue burden of travel costs or loss
427 of time from work, and perform other related duties as assigned by
428 the State Superintendent of Public Education. The deputy state
429 superintendent is responsible for the Mississippi Recovery School
430 District and shall determine, based on rigorous professional
431 qualifications set by the State Board of Education, the
432 appropriate individuals to be engaged to be interim
433 superintendents and financial advisors, if applicable, of all
434 school districts subject to district transformation status. After
435 State Board of Education approval, these individuals shall be
436 deemed independent contractors.



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

454 The notice also shall include, in the discretion of the State
455 Board of Education, any or all details relating to the school
456 district's emergency status, including the declaration of a state
457 of emergency in the school district and a description of the
458 district's impairment deficiencies, conditions of any district
459 transformation status and corrective actions recommended and being
460 taken. Public notices issued under this section shall be subject



461 to Section 13-3-31 and not contrary to other laws regarding
462 newspaper publication.

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

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

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

478 (15) (a) Whenever the Governor declares a state of
479 emergency in a school district in response to a request made under
480 subsection (12) of this section, the State Board of Education, in
481 its discretion, may assign an interim superintendent to the school
482 district, or in its discretion, may contract with an appropriate
483 private entity with experience in the academic, finance and other
484 operational functions of schools and school districts, who will be
485 responsible for the administration, management and operation of



486 the school district, including, but not limited to, the following
487 activities:

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

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

503 (iii) Reviewing the district's total financial
504 obligations and operations and making recommendations to the
505 district for cost savings, including, but not limited to,
506 reassigning the duties and responsibilities of staff;

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



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

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

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

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

523 The cost of the salary of the interim superintendent and any
524 other actual and necessary costs related to district
525 transformation status paid by the State Department of Education
526 shall be reimbursed by the local school district from funds other
527 than adequate education program funds. The department shall
528 submit an itemized statement to the superintendent of the local
529 school district for reimbursement purposes, and any unpaid balance
530 may be withheld from the district's adequate education program
531 funds.

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



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

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

551 The State Board of Education may loan monies from the School
552 District Emergency Assistance Fund to a school district that is
553 under a state of emergency or in district transformation status,
554 in those amounts, as determined by the board, that are necessary
555 to correct the district's impairments related to a lack of
556 financial resources. The loans shall be evidenced by an agreement
557 between the school district and the State Board of Education and
558 shall be repayable in principal, without necessity of interest, to



559 the School District Emergency Assistance Fund by the school
560 district from any allowable funds that are available. The total
561 amount loaned to the district shall be due and payable within five
562 (5) years after the impairments related to a lack of financial
563 resources are corrected. If a school district fails to make
564 payments on the loan in accordance with the terms of the agreement
565 between the district and the State Board of Education, the State
566 Department of Education, in accordance with rules and regulations
567 established by the State Board of Education, may withhold that
568 district's adequate education program funds in an amount and
569 manner that will effectuate repayment consistent with the terms of
570 the agreement; the funds withheld by the department shall be
571 deposited into the School District Emergency Assistance Fund.

572 The State Board of Education shall develop a protocol that
573 will outline the performance standards and requisite timeline
574 deemed necessary for extreme emergency measures. If the State
575 Board of Education determines that an extreme emergency exists,
576 simultaneous with the powers exercised in this subsection, it
577 shall take immediate action against all parties responsible for
578 the affected school districts having been determined to be in an
579 extreme emergency. The action shall include, but not be limited
580 to, initiating civil actions to recover funds and criminal actions
581 to account for criminal activity. Any funds recovered by the
582 State Auditor or the State Board of Education from the surety
583 bonds of school officials or from any civil action brought under



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

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

598 (17) (a) If the Governor declares a state of emergency in a
599 school district, the State Board of Education may take all such
600 action pertaining to that school district as is authorized under
601 subsection (12) or (15) of this section, including the appointment
602 of an interim superintendent. The State Board of Education shall
603 also have the authority to issue a written request with
604 documentation to the Governor asking that the office of the
605 superintendent of the school district be subject to recall. If
606 the Governor declares that the office of the superintendent of the
607 school district is subject to recall, the local school board or



608 the county election commission, as the case may be, shall take the
609 following action:

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

619 "Shall County Superintendent of Education _____ (here the
620 name of the superintendent shall be inserted) of the _____
621 (here the title of the school district shall be inserted) be
622 retained in office? Yes _____ No _____"

623 If a majority of those voting on the question votes against
624 retaining the superintendent in office, a vacancy shall exist
625 which shall be filled in the manner provided by law; otherwise,
626 the superintendent shall remain in office for the term of that
627 office, and at the expiration of the term shall be eligible for
628 qualification and election to another term or terms.

629 (ii) If the office of superintendent is an
630 appointive office, the name of the superintendent shall be
631 submitted by the president of the local school board at the next
632 regular meeting of the school board for retention in office or



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

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

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

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



658 election this year are subject to recall because of the school
659 district's failure to meet critical accountability standards as
660 defined in the letter of notification to the Governor from the
661 State Board of Education. Shall the member of the school board
662 representing this area, _____ (here the name of the school
663 board member holding the office shall be inserted), be retained in
664 office? Yes _____ No _____"

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

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



683 or county governing authority, as the case may be, at the next
684 regular meeting of the governing authority for retention in office
685 or dismissal from office. If a majority of the governing
686 authority voting on the question vote against retaining the board
687 in office, a vacancy shall exist in each school board member's
688 office, which shall be filled as provided by law; otherwise, the
689 members of the appointed school board shall remain in office for
690 the duration of their term of appointment, and those members may
691 be reappointed.

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

697 (18) * * * The State Board of Education, acting through the
698 Commission on School Accreditation, shall require each school
699 district to comply with standards established by the State
700 Department of Audit for the verification of fixed assets and the
701 auditing of fixed assets records as a minimum requirement for
702 accreditation.

703 (19) * * * The State Superintendent of Public Education and
704 the State Board of Education * * * shall develop a comprehensive
705 accountability plan to ensure that local school boards,
706 superintendents, principals and teachers are held accountable for
707 student achievement. * * *



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

713 (21) If a local school district is determined as failing and
714 placed into district transformation status for reasons authorized
715 by the provisions of this section, the interim superintendent
716 appointed to the district shall, within forty-five (45) days after
717 being appointed, present a detailed and structured corrective
718 action plan to move the local school district out of district
719 transformation status to the deputy superintendent. A copy of the
720 interim superintendent's corrective action plan shall also be
721 filed with the State Board of Education.

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

