

By: Representative Currie

To: Education

HOUSE BILL NO. 114

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 2020-2021 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, 2020.

