

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2672

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT FOR PURPOSES OF DETERMINING SCHOOL ACCOUNTABILITY
 3 DESIGNATION FOR THE 2020-2021 SCHOOL YEAR, THE DEPARTMENT OF
 4 EDUCATION SHALL USE EACH SCHOOL'S DESIGNATION FROM THE 2018-2019
 5 SCHOOL YEAR, PROVIDED THAT SCHOOLS THAT RECEIVE A HIGHER
 6 DESIGNATION FOR THE 2020-2021 SCHOOL YEAR SHALL RECEIVE THE HIGHER
 7 DESIGNATION FOR ACCOUNTABILITY; 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;

112 (h) Development of a comprehensive student assessment
113 system to implement these requirements; * * *

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



120 hardship in the school district may grant the request. It is the
121 intent of the Legislature that all school districts maintain the
122 highest possible academic standards and instructional programs in
123 all schools as required by law and the State Board of
124 Education * * *; and

125 (j) The State Board of Education shall hold harmless
126 all school districts from assignment of district and school level
127 accountability ratings for the 2020-2021 school year due to the
128 impact of the COVID-19 pandemic. Districts and schools which
129 receive an accountability rating higher than the 2018-2019 school
130 year based on student assessments for the 2020-2021 school year
131 shall receive the higher rating for the 2020-2021 school year.
132 All other district and school ratings shall remain the same as the
133 2018-2019 school year for purposes of assessment for the 2020-2021
134 school year.

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

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

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



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

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

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

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

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

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

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



170 percent (10%) of schools in the state are not graded as "D"
171 schools, the lowest ten percent (10%) of school grade point
172 designees will be identified as Focus schools;

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

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

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

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

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



195 release of the school grades beginning in 2013. Feeder schools
196 will be assigned the accountability designation of the school to
197 which they provide students;

198 (x) Standards for student, school and school
199 district performance will be increased when student proficiency is
200 at a seventy-five percent (75%) and/or when sixty-five percent
201 (65%) of the schools and/or school districts are earning a grade
202 of "B" or higher, in order to raise the standard on performance
203 after targets are met.

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

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

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

217 (9) [Deleted]

218 (10) The State Board of Education shall establish, for those
219 school districts failing to meet accreditation standards, a



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

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

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

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



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

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

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



270 finance and other operational functions of schools to assist
271 school districts;

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

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



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

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



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

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

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

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

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



345 or districts in a manner that is not in violation of state or
346 federal law;

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

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

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



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

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

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



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

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

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

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



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

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



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

453 (13) Upon the declaration of a state of emergency in a
454 school district under subsection (12) of this section, the
455 Commission on School Accreditation shall be responsible for public
456 notice at least once a week for at least three (3) consecutive
457 weeks in a newspaper published within the jurisdiction of the
458 school district failing to meet accreditation standards, or if no
459 newspaper is published therein, then in a newspaper having a
460 general circulation therein. The size of the notice shall be no
461 smaller than one-fourth (1/4) of a standard newspaper page and
462 shall be printed in bold print. If an interim superintendent has
463 been appointed for the school district, the notice shall begin as
464 follows: "By authority of Section 37-17-6, Mississippi Code of
465 1972, as amended, adopted by the Mississippi Legislature during
466 the 1991 Regular Session, this school district (name of school
467 district) is hereby placed under the jurisdiction of the State



468 Department of Education acting through its appointed interim
469 superintendent (name of interim superintendent)."

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

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

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

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



492 authority to levy taxes except in accordance with presently
493 existing statutory provisions.

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

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

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



517 determination of the interim superintendent, will best suit the
518 needs of the district;

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

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

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

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

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

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

539 The cost of the salary of the interim superintendent and any
540 other actual and necessary costs related to district
541 transformation status paid by the State Department of Education



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

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

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



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

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



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

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

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



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

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

635 "Shall County Superintendent of Education _____ (here the
636 name of the superintendent shall be inserted) of the _____
637 (here the title of the school district shall be inserted) be
638 retained in office? Yes _____ No _____"

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



642 the superintendent shall remain in office for the term of that
643 office, and at the expiration of the term shall be eligible for
644 qualification and election to another term or terms.

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

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

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



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

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

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



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

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

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

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



717 Department of Audit for the verification of fixed assets and the
718 auditing of fixed assets records as a minimum requirement for
719 accreditation.

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

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

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

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



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

749 **SECTION 2.** This act shall take effect and be in force from
750 and after July 1, 2021.

