

By: Representative Holloway

To: Education

HOUSE BILL NO. 599

1 AN ACT TO CREATE NEW SECTION 37-7-103.1, MISSISSIPPI CODE OF
2 1972, TO PROHIBIT THE MANDATORY ABOLITION OR ADMINISTRATIVE
3 CONSOLIDATION OF A SCHOOL DISTRICT IN DISTRICT TRANSFORMATION IF
4 THE DISTRICT IS MAKING SATISFACTORY PROGRESS ON CORRECTIVE ACTIONS
5 THAT WILL LEAD TO THE TERMINATION OF THE DISTRICT TRANSFORMATION
6 STATUS; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, IN
7 CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The following shall be codified as Section
10 37-7-103.1, Mississippi Code of 1972:

11 37-7-103.1. In any school district that has been placed
12 under district transformation due to a state of emergency being
13 declared in the district pursuant to Section 37-17-6, there may
14 not be any mandatory abolition of the school district or
15 administrative consolidation with another district if, in the
16 determination of the State Board of Education, the school district
17 is taking satisfactory corrective action and progressing toward a
18 termination of the state of emergency and district transformation
19 status.



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

22 37-17-6. (1) The State Board of Education, acting through
23 the Commission on School Accreditation, shall establish and
24 implement a permanent performance-based accreditation system, and
25 all noncharter public elementary and secondary schools shall be
26 accredited under this system.

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

31 (3) (a) * * * The State Board of Education, acting through
32 the Commission on School Accreditation, shall require that school
33 districts employ certified school librarians according to the
34 following formula:

35 Number of Students	Number of Certified
36 Per School Library	School Librarians
37 0 - 499 Students	1/2 Full-time Equivalent 38 Certified Librarian
39 500 or More Students	1 Full-time Certified 40 Librarian

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

43 (c) The assignment of certified school librarians to
44 the particular schools shall be at the discretion of the local



45 school district. No individual shall be employed as a certified
46 school librarian without appropriate training and certification as
47 a school librarian by the State Department of Education.

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

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

55 (f) Any additional millage levied to fund school
56 librarians required for accreditation under this subsection shall
57 be included in the tax increase limitation set forth in Sections
58 37-57-105 and 37-57-107 and shall not be deemed a new program for
59 purposes of the limitation.

60 (4) * * * The State Board of Education shall implement the
61 performance-based accreditation system for school districts and
62 for individual noncharter public schools which shall include the
63 following:

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

66 (b) Strong accountability for results with appropriate
67 local flexibility for local implementation;

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



70 (d) Individual schools shall be held accountable for
71 student growth and performance;

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

75 (f) A determination of which schools exceed their
76 standards and a plan for providing recognition and rewards to
77 those schools;

78 (g) A determination of which schools are failing to
79 meet their standards and a determination of the appropriate role
80 of the State Board of Education and the State Department of
81 Education in providing assistance and initiating possible
82 intervention. A failing district is a district that fails to meet
83 both the absolute student achievement standards and the rate of
84 annual growth expectation standards as set by the State Board of
85 Education for two (2) consecutive years. The State Board of
86 Education shall establish the level of benchmarks by which
87 absolute student achievement and growth expectations shall be
88 assessed. In setting the benchmarks for school districts, the
89 State Board of Education may also take into account such factors
90 as graduation rates, dropout rates, completion rates, the extent
91 to which the school or district employs qualified teachers in
92 every classroom, and any other factors deemed appropriate by the
93 State Board of Education. The State Board of Education, acting
94 through the State Department of Education, shall apply a simple



95 "A," "B," "C," "D" and "F" designation to the current school and
96 school district statewide accountability performance
97 classification labels beginning with the State Accountability
98 Results for the 2011-2012 school year and following, and in the
99 school, district and state report cards required under state and
100 federal law. Under the new designations, a school or school
101 district that has earned a "Star" rating shall be designated an
102 "A" school or school district; a school or school district that
103 has earned a "High-Performing" rating shall be designated a "B"
104 school or school district; a school or school district that has
105 earned a "Successful" rating shall be designated a "C" school or
106 school district; a school or school district that has earned an
107 "Academic Watch" rating shall be designated a "D" school or school
108 district; a school or school district that has earned a
109 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
110 be designated an "F" school or school district. Effective with
111 the implementation of any new curriculum and assessment standards,
112 the State Board of Education, acting through the State Department
113 of Education, is further authorized and directed to change the
114 school and school district accreditation rating system to a simple
115 "A," "B," "C," "D," and "F" designation based on a combination of
116 student achievement scores and student growth as measured by the
117 statewide testing programs developed by the State Board of
118 Education pursuant to Chapter 16, Title 37, Mississippi Code of
119 1972. In any statute or regulation containing the former



120 accreditation designations, the new designations shall be
121 applicable;

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

203 (xi) The system shall include student performance
204 on the administration of a career-readiness assessment, such as,
205 but not limited to, the ACT WorkKeys Assessment, deemed
206 appropriate by the Mississippi Department of Education working in
207 coordination with the Office of Workforce Development.

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

211 (7) The State Board of Education shall create an
212 accreditation audit unit under the Commission on School
213 Accreditation to determine whether schools are complying with
214 accreditation standards.

215 (8) The State Board of Education shall be specifically
216 authorized and empowered to withhold adequate education program
217 fund allocations, whichever is applicable, to any public school
218 district for failure to timely report student, school personnel



219 and fiscal data necessary to meet state and/or federal
220 requirements.

221 (9) [Deleted]

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

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

236 (a) Develop an impairment report for each district
237 failing to meet accreditation standards in conjunction with school
238 district officials;

239 (b) Notify any applicable school district failing to
240 meet accreditation standards that it is on probation until
241 corrective actions are taken or until the deficiencies have been
242 removed. The local school district shall develop a corrective
243 action plan to improve its deficiencies. For district academic



244 deficiencies, the corrective action plan for each such school
245 district shall be based upon a complete analysis of the following:
246 student test data, student grades, student attendance reports,
247 student dropout data, existence and other relevant data. The
248 corrective action plan shall describe the specific measures to be
249 taken by the particular school district and school to improve:
250 (i) instruction; (ii) curriculum; (iii) professional development;
251 (iv) personnel and classroom organization; (v) student incentives
252 for performance; (vi) process deficiencies; and (vii) reporting to
253 the local school board, parents and the community. The corrective
254 action plan shall describe the specific individuals responsible
255 for implementing each component of the recommendation and how each
256 will be evaluated. All corrective action plans shall be provided
257 to the State Board of Education as may be required. The decision
258 of the State Board of Education establishing the probationary
259 period of time shall be final;

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

262 * * * Subject to the availability of funds, the State Department
263 of Education shall provide technical and/or financial assistance
264 to all such school districts in order to implement each measure
265 identified in that district's corrective action plan through
266 professional development and on-site assistance. Each such school
267 district shall apply for and utilize all available federal funding



268 in order to support its corrective action plan in addition to
269 state funds made available under this paragraph;

270 (d) Assign department personnel or contract, in its
271 discretion, with the institutions of higher learning or other
272 appropriate private entities with experience in the academic,
273 finance and other operational functions of schools to assist
274 school districts;

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

286 (12) (a) If the recommendations for corrective action are
287 not taken by the local school district or if the deficiencies are
288 not removed by the end of the probationary period, the Commission
289 on School Accreditation shall conduct a hearing to allow the
290 affected school district to present evidence or other reasons why
291 its accreditation should not be withdrawn. Additionally, if the
292 local school district violates accreditation standards that have



293 been determined by the policies and procedures of the State Board
294 of Education to be a basis for withdrawal of school district's
295 accreditation without a probationary period, the Commission on
296 School Accreditation shall conduct a hearing to allow the affected
297 school district to present evidence or other reasons why its
298 accreditation should not be withdrawn. After its consideration of
299 the results of the hearing, the Commission on School Accreditation
300 shall be authorized, with the approval of the State Board of
301 Education, to withdraw the accreditation of a public school
302 district, and issue a request to the Governor that a state of
303 emergency be declared in that district.

304 (b) If the State Board of Education and the Commission
305 on School Accreditation determine that an extreme emergency
306 situation exists in a school district that jeopardizes the safety,
307 security or educational interests of the children enrolled in the
308 schools in that district and that emergency situation is believed
309 to be related to a serious violation or violations of
310 accreditation standards or state or federal law, or when a school
311 district meets the State Board of Education's definition of a
312 failing school district for two (2) consecutive full school years,
313 or if more than fifty percent (50%) of the schools within the
314 school district are designated as Schools At-Risk in any one (1)
315 year, the State Board of Education may request the Governor to
316 declare a state of emergency in that school district. For
317 purposes of this paragraph, the declarations of a state of



318 emergency shall not be limited to those instances when a school
319 district's impairments are related to a lack of financial
320 resources, but also shall include serious failure to meet minimum
321 academic standards, as evidenced by a continued pattern of poor
322 student performance.

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

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

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

341 (iii) Assign an interim superintendent, or in its
342 discretion, contract with a private entity with experience in the



343 academic, finance and other operational functions of schools and
344 school districts, who will have those powers and duties prescribed
345 in subsection (15) of this section;

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

350 (v) For states of emergency declared under
351 paragraph (a) only, if the accreditation deficiencies are related
352 to the fact that the school district is too small, with too few
353 resources, to meet the required standards and if another school
354 district is willing to accept those students, abolish that
355 district and assign that territory to another school district or
356 districts. However, in any school district that has been placed
357 in district transformation due to a state of emergency declared
358 under paragraph (a), the State Board of Education may not
359 recommend abolition of the school district or consolidation of the
360 district with another school district if, at the time
361 consideration is given to abolishing or consolidating the
362 district, the school district has taken satisfactory corrective
363 action that will result in the termination of the state of
364 emergency and district transformation status. If the school
365 district has proposed a voluntary consolidation with another
366 school district or districts, then if the State Board of Education
367 finds that it is in the best interest of the pupils of the



368 district for the consolidation to proceed, the voluntary
369 consolidation shall have priority over any such assignment of
370 territory by the State Board of Education;

371 (vi) For states of emergency declared under
372 paragraph (b) only, reduce local supplements paid to school
373 district employees, including, but not limited to, instructional
374 personnel, assistant teachers and extracurricular activities
375 personnel, if the district's impairment is related to a lack of
376 financial resources, but only to an extent that will result in the
377 salaries being comparable to districts similarly situated, as
378 determined by the State Board of Education;

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

382 (d) At the time that satisfactory corrective action has
383 been taken in a school district in which a state of emergency has
384 been declared, the State Board of Education may request the
385 Governor to declare that the state of emergency no longer exists
386 in the district.

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



393 accredited by the Commission on School Accreditation may grant the
394 transfer according to the procedures of Section 37-15-31(1)(b).
395 In the event the accreditation of the student's home district is
396 restored after a transfer has been approved, the student may
397 continue to attend the transferee school district. The per-pupil
398 amount of the adequate education program allotment, including the
399 collective "add-on program" costs for the student's home school
400 district shall be transferred monthly to the school district
401 accredited by the Commission on School Accreditation that has
402 granted the transfer of the school-age child.

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

406 (i) Place the school district into district
407 transformation, in which the school district shall remain until it
408 has fulfilled all conditions related to district transformation.
409 If the district was assigned an accreditation rating of "D" or "F"
410 when placed into district transformation, the district shall be
411 eligible to return to local control when the school district has
412 attained a "C" rating or higher for five (5) consecutive years,
413 unless the State Board of Education determines that the district
414 is eligible to return to local control in less than the five-year
415 period;



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

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

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

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



441 chapters. The Mississippi Department of Education, with the
442 approval of the State Board of Education, shall develop policies
443 for the operation and management of the Mississippi Recovery
444 School District. The deputy state superintendent is responsible
445 for the Mississippi Recovery School District and shall be
446 authorized to oversee the administration of the Mississippi
447 Recovery School District, oversee the interim superintendent
448 assigned by the State Board of Education to a local school
449 district, hear appeals that would normally be filed by students,
450 parents or employees and heard by a local school board, which
451 hearings on appeal shall be conducted in a prompt and timely
452 manner in the school district from which the appeal originated in
453 order to ensure the ability of appellants, other parties and
454 witnesses to appeal without undue burden of travel costs or loss
455 of time from work, and perform other related duties as assigned by
456 the State Superintendent of Public Education. The deputy state
457 superintendent is responsible for the Mississippi Recovery School
458 District and shall determine, based on rigorous professional
459 qualifications set by the State Board of Education, the
460 appropriate individuals to be engaged to be interim
461 superintendents and financial advisors, if applicable, of all
462 school districts subject to district transformation status. After
463 State Board of Education approval, these individuals shall be
464 deemed independent contractors.



465 (h) In any school district that has been placed in
466 district transformation due to a state of emergency being declared
467 in the district pursuant to this section, if the school district
468 is taking satisfactory corrective action and progressing toward a
469 termination of the state of emergency and district transformation
470 status, the State Board of Education may not recommend a mandatory
471 abolition of the school district or consolidation of the school
472 district with another school district.

473 (13) Upon the declaration of a state of emergency in a
474 school district under subsection (12) of this section, the
475 Commission on School Accreditation shall be responsible for public
476 notice at least once a week for at least three (3) consecutive
477 weeks in a newspaper published within the jurisdiction of the
478 school district failing to meet accreditation standards, or if no
479 newspaper is published therein, then in a newspaper having a
480 general circulation therein. The size of the notice shall be no
481 smaller than one-fourth (1/4) of a standard newspaper page and
482 shall be printed in bold print. If an interim superintendent has
483 been appointed for the school district, the notice shall begin as
484 follows: "By authority of Section 37-17-6, Mississippi Code of
485 1972, as amended, adopted by the Mississippi Legislature during
486 the 1991 Regular Session, this school district (name of school
487 district) is hereby placed under the jurisdiction of the State
488 Department of Education acting through its appointed interim
489 superintendent (name of interim superintendent)."



490 The notice also shall include, in the discretion of the State
491 Board of Education, any or all details relating to the school
492 district's emergency status, including the declaration of a state
493 of emergency in the school district and a description of the
494 district's impairment deficiencies, conditions of any district
495 transformation status and corrective actions recommended and being
496 taken. Public notices issued under this section shall be subject
497 to Section 13-3-31 and not contrary to other laws regarding
498 newspaper publication.

499 Upon termination of the state of emergency in a school
500 district, the Commission on School Accreditation shall cause
501 notice to be published in the school district in the same manner
502 provided in this section, to include any or all details relating
503 to the corrective action taken in the school district that
504 resulted in the termination of the state of emergency.

505 (14) The State Board of Education or the Commission on
506 School Accreditation shall have the authority to require school
507 districts to produce the necessary reports, correspondence,
508 financial statements, and any other documents and information
509 necessary to fulfill the requirements of this section.

510 Nothing in this section shall be construed to grant any
511 individual, corporation, board or interim superintendent the
512 authority to levy taxes except in accordance with presently
513 existing statutory provisions.



514 (15) (a) Whenever the Governor declares a state of
515 emergency in a school district in response to a request made under
516 subsection (12) of this section, the State Board of Education, in
517 its discretion, may assign an interim superintendent to the school
518 district, or in its discretion, may contract with an appropriate
519 private entity with experience in the academic, finance and other
520 operational functions of schools and school districts, who will be
521 responsible for the administration, management and operation of
522 the school district, including, but not limited to, the following
523 activities:

524 (i) Approving or disapproving all financial
525 obligations of the district, including, but not limited to, the
526 employment, termination, nonrenewal and reassignment of all
527 licensed and nonlicensed personnel, contractual agreements and
528 purchase orders, and approving or disapproving all claim dockets
529 and the issuance of checks; in approving or disapproving
530 employment contracts of superintendents, assistant superintendents
531 or principals, the interim superintendent shall not be required to
532 comply with the time limitations prescribed in Sections 37-9-15
533 and 37-9-105;

534 (ii) Supervising the day-to-day activities of the
535 district's staff, including reassigning the duties and
536 responsibilities of personnel in a manner which, in the
537 determination of the interim superintendent, will best suit the
538 needs of the district;



539 (iii) Reviewing the district's total financial
540 obligations and operations and making recommendations to the
541 district for cost savings, including, but not limited to,
542 reassigning the duties and responsibilities of staff;

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

545 (v) Approving or disapproving all athletic, band
546 and other extracurricular activities and any matters related to
547 those activities;

548 (vi) Maintaining a detailed account of
549 recommendations made to the district and actions taken in response
550 to those recommendations;

551 (vii) Reporting periodically to the State Board of
552 Education on the progress or lack of progress being made in the
553 district to improve the district's impairments during the state of
554 emergency; and

555 (viii) Appointing a parent advisory committee,
556 comprised of parents of students in the school district that may
557 make recommendations to the interim superintendent concerning the
558 administration, management and operation of the school district.

559 The cost of the salary of the interim superintendent and any
560 other actual and necessary costs related to district
561 transformation status paid by the State Department of Education
562 shall be reimbursed by the local school district from funds other
563 than adequate education program funds. The department shall



564 submit an itemized statement to the superintendent of the local
565 school district for reimbursement purposes, and any unpaid balance
566 may be withheld from the district's adequate education program
567 funds.

568 At the time that the Governor, in accordance with the request
569 of the State Board of Education, declares that the state of
570 emergency no longer exists in a school district, the powers and
571 responsibilities of the interim superintendent assigned to the
572 district shall cease.

573 (b) In order to provide loans to school districts under
574 a state of emergency or in district transformation status that
575 have impairments related to a lack of financial resources, the
576 School District Emergency Assistance Fund is created as a special
577 fund in the State Treasury into which monies may be transferred or
578 appropriated by the Legislature from any available public
579 education funds. Funds in the School District Emergency
580 Assistance Fund up to a maximum balance of Three Million Dollars
581 (\$3,000,000.00) annually shall not lapse but shall be available
582 for expenditure in subsequent years subject to approval of the
583 State Board of Education. Any amount in the fund in excess of
584 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
585 year shall lapse into the State General Fund or the Education
586 Enhancement Fund, depending on the source of the fund.

587 The State Board of Education may loan monies from the School
588 District Emergency Assistance Fund to a school district that is



589 under a state of emergency or in district transformation status,
590 in those amounts, as determined by the board, that are necessary
591 to correct the district's impairments related to a lack of
592 financial resources. The loans shall be evidenced by an agreement
593 between the school district and the State Board of Education and
594 shall be repayable in principal, without necessity of interest, to
595 the School District Emergency Assistance Fund by the school
596 district from any allowable funds that are available. The total
597 amount loaned to the district shall be due and payable within five
598 (5) years after the impairments related to a lack of financial
599 resources are corrected. If a school district fails to make
600 payments on the loan in accordance with the terms of the agreement
601 between the district and the State Board of Education, the State
602 Department of Education, in accordance with rules and regulations
603 established by the State Board of Education, may withhold that
604 district's adequate education program funds in an amount and
605 manner that will effectuate repayment consistent with the terms of
606 the agreement; the funds withheld by the department shall be
607 deposited into the School District Emergency Assistance Fund.

608 The State Board of Education shall develop a protocol that
609 will outline the performance standards and requisite timeline
610 deemed necessary for extreme emergency measures. If the State
611 Board of Education determines that an extreme emergency exists,
612 simultaneous with the powers exercised in this subsection, it
613 shall take immediate action against all parties responsible for



614 the affected school districts having been determined to be in an
615 extreme emergency. The action shall include, but not be limited
616 to, initiating civil actions to recover funds and criminal actions
617 to account for criminal activity. Any funds recovered by the
618 State Auditor or the State Board of Education from the surety
619 bonds of school officials or from any civil action brought under
620 this subsection shall be applied toward the repayment of any loan
621 made to a school district hereunder.

622 (16) If a majority of the membership of the school board of
623 any school district resigns from office, the State Board of
624 Education shall be authorized to assign an interim superintendent,
625 who shall be responsible for the administration, management and
626 operation of the school district until the time as new board
627 members are selected or the Governor declares a state of emergency
628 in that school district under subsection (12), whichever occurs
629 first. In that case, the State Board of Education, acting through
630 the interim superintendent, shall have all powers which were held
631 by the previously existing school board, and may take any action
632 as prescribed in Section 37-17-13 and/or one or more of the
633 actions authorized in this section.

634 (17) (a) If the Governor declares a state of emergency in a
635 school district, the State Board of Education may take all such
636 action pertaining to that school district as is authorized under
637 subsection (12) or (15) of this section, including the appointment
638 of an interim superintendent. The State Board of Education shall



639 also have the authority to issue a written request with
640 documentation to the Governor asking that the office of the
641 superintendent of the school district be subject to recall. If
642 the Governor declares that the office of the superintendent of the
643 school district is subject to recall, the local school board or
644 the county election commission, as the case may be, shall take the
645 following action:

646 (i) If the office of superintendent is an elected
647 office, in those years in which there is no general election, the
648 name shall be submitted by the State Board of Education to the
649 county election commission, and the county election commission
650 shall submit the question at a special election to the voters
651 eligible to vote for the office of superintendent within the
652 county, and the special election shall be held within sixty (60)
653 days from notification by the State Board of Education. The
654 ballot shall read substantially as follows:

655 "Shall County Superintendent of Education _____ (here the
656 name of the superintendent shall be inserted) of the _____
657 (here the title of the school district shall be inserted) be
658 retained in office? Yes _____ No _____"

659 If a majority of those voting on the question votes against
660 retaining the superintendent in office, a vacancy shall exist
661 which shall be filled in the manner provided by law; otherwise,
662 the superintendent shall remain in office for the term of that



663 office, and at the expiration of the term shall be eligible for
664 qualification and election to another term or terms.

665 (ii) If the office of superintendent is an
666 appointive office, the name of the superintendent shall be
667 submitted by the president of the local school board at the next
668 regular meeting of the school board for retention in office or
669 dismissal from office. If a majority of the school board voting
670 on the question vote against retaining the superintendent in
671 office, a vacancy shall exist which shall be filled as provided by
672 law, otherwise the superintendent shall remain in office for the
673 duration of his employment contract.

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

681 (i) If the members of the local school board are
682 elected to office, in those years in which the specific member's
683 office is not up for election, the name of the school board member
684 shall be submitted by the State Board of Education to the county
685 election commission, and the county election commission at a
686 special election shall submit the question to the voters eligible
687 to vote for the particular member's office within the county or



688 school district, as the case may be, and the special election
689 shall be held within sixty (60) days from notification by the
690 State Board of Education. The ballot shall read substantially as
691 follows:

692 "Members of the _____ (here the title of the school
693 district shall be inserted) School Board who are not up for
694 election this year are subject to recall because of the school
695 district's failure to meet critical accountability standards as
696 defined in the letter of notification to the Governor from the
697 State Board of Education. Shall the member of the school board
698 representing this area, _____ (here the name of the school
699 board member holding the office shall be inserted), be retained in
700 office? Yes _____ No _____"

701 If a majority of those voting on the question vote against
702 retaining the member of the school board in office, a vacancy in
703 that board member's office shall exist, which shall be filled in
704 the manner provided by law; otherwise, the school board member
705 shall remain in office for the term of that office, and at the
706 expiration of the term of office, the member shall be eligible for
707 qualification and election to another term or terms of office.
708 However, if a majority of the school board members are recalled in
709 the special election, the Governor shall authorize the board of
710 supervisors of the county in which the school district is situated
711 to appoint members to fill the offices of the members recalled.
712 The board of supervisors shall make those appointments in the



713 manner provided by law for filling vacancies on the school board,
714 and the appointed members shall serve until the office is filled
715 at the next regular special election or general election.

716 (ii) If the local school board is an appointed
717 school board, the name of all school board members shall be
718 submitted as a collective board by the president of the municipal
719 or county governing authority, as the case may be, at the next
720 regular meeting of the governing authority for retention in office
721 or dismissal from office. If a majority of the governing
722 authority voting on the question vote against retaining the board
723 in office, a vacancy shall exist in each school board member's
724 office, which shall be filled as provided by law; otherwise, the
725 members of the appointed school board shall remain in office for
726 the duration of their term of appointment, and those members may
727 be reappointed.

728 (iii) If the local school board is comprised of
729 both elected and appointed members, the elected members shall be
730 subject to recall in the manner provided in subparagraph (i) of
731 this paragraph (b), and the appointed members shall be subject to
732 recall in the manner provided in subparagraph (ii).

733 (18) * * * The State Board of Education, acting through the
734 Commission on School Accreditation, shall require each school
735 district to comply with standards established by the State
736 Department of Audit for the verification of fixed assets and the



737 auditing of fixed assets records as a minimum requirement for
738 accreditation.

739 (19) * * * The State Superintendent of Public Education and
740 the State Board of Education * * * shall develop a comprehensive
741 accountability plan to ensure that local school boards,
742 superintendents, principals and teachers are held accountable for
743 student achievement. * * *

744 (20) * * * [Deleted]

745 (21) If a local school district is determined as failing and
746 placed into district transformation status for reasons authorized
747 by the provisions of this section, the interim superintendent
748 appointed to the district shall, within forty-five (45) days after
749 being appointed, present a detailed and structured corrective
750 action plan to move the local school district out of district
751 transformation status to the deputy superintendent. A copy of the
752 interim superintendent's corrective action plan shall also be
753 filed with the State Board of Education.

754 **SECTION 3.** This act shall take effect and be in force from
755 and after July 1, 2023.

