

By: Representative McLean

To: Education

HOUSE BILL NO. 728

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE STATE SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY SYSTEM  
3 BY ELIMINATING THE "A" THROUGH "F" DESIGNATIONS; AND FOR RELATED  
4 PURPOSES.

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

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

8 37-17-6. (1) The State Board of Education, acting through  
9 the Commission on School Accreditation, shall establish and  
10 implement a permanent performance-based accreditation system, and  
11 all noncharter public elementary and secondary schools shall be  
12 accredited under this system.

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

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



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

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

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

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

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

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

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



44 37-57-105 and 37-57-107 and shall not be deemed a new program for  
45 purposes of the limitation.

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

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

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

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

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

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

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

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



69 both the absolute student achievement standards and the rate of  
70 annual growth expectation standards as set by the State Board of  
71 Education for two (2) consecutive years. The State Board of  
72 Education shall establish the level of benchmarks by which  
73 absolute student achievement and growth expectations shall be  
74 assessed. In setting the benchmarks for school districts, the  
75 State Board of Education may also take into account such factors  
76 as graduation rates, dropout rates, completion rates, the extent  
77 to which the school or district employs qualified teachers in  
78 every classroom, and any other factors deemed appropriate by the  
79 State Board of Education. The State Board of Education, acting  
80 through the State Department of Education, shall develop and apply  
81 a statewide system of simple \* \* \* school rating designations,  
82 which shall be applicable to \* \* \* school and school  
83 district \* \* \* accountability performance classification labels  
84 beginning with the State Accountability Results for the \* \* \*  
85 2023-2024 school year and following, and which shall be delineated  
86 in the school, district and state report cards required under  
87 state and federal law. Under the new designations, \* \* \* the  
88 department shall assign classifications to schools and school  
89 districts that are equivalent to the accountability rating  
90 classifications implemented in the 2013-2014 school year, and  
91 which evidence student growth and performance by measured levels  
92 of academic proficiency. Effective with the implementation of any  
93 new curriculum and assessment standards, the State Board of



94 Education, acting through the State Department of Education, is  
95 further authorized and directed to change the school and school  
96 district accreditation rating system to a simple \* \* \* school  
97 rating designation based on a combination of student achievement  
98 scores and student growth as measured by the statewide testing  
99 programs developed by the State Board of Education pursuant  
100 to \* \* \* this chapter. In any statute or regulation containing  
101 the former accreditation designations, the new designations shall  
102 be applicable; and

103 (h) Development of a comprehensive student assessment  
104 system to implement these requirements \* \* \* .

105 \* \* \*

106 It is the intent of the Legislature that all school districts  
107 maintain the highest possible academic standards and instructional  
108 programs in all schools as required by law and the State Board of  
109 Education.

110 (5) (a) Effective with the \* \* \* 2023-2024 school year, the  
111 State Department of Education, acting through the Mississippi  
112 Commission on School Accreditation, shall revise and implement a  
113 single \* \* \* school and school district accountability system that  
114 shows meaningful differentiation between school districts while  
115 complying with applicable federal and state requirements \* \* \* and  
116 approved by the State Board of Education.

117 (b) The State Department of Education shall combine the  
118 state school and school district accountability system with the



119 federal system in order to have a single system. The  
120 accountability system must satisfy the following criteria:

121 \* \* \*

122 ( \* \* \*i) The accountability system shall include  
123 the federally compliant four-year graduation rate in school and  
124 school district accountability system calculations. Graduation  
125 rate will apply to high school and school district accountability  
126 ratings as a compensatory component \* \* \*;

127 ( \* \* \*ii) The school and school district  
128 accountability system shall incorporate a standards-based growth  
129 model, in order to support improvement of individual student  
130 learning;

131 \* \* \*

132 ( \* \* \*iii) Standards for student, school and  
133 school district performance will be increased when student  
134 proficiency is at a seventy-five percent (75%) and/or when  
135 sixty-five percent (65%) of the schools and/or school districts  
136 are earning a grade of "B" or higher, in order to raise the  
137 standard on performance after targets are met; and

138 ( \* \* \*iv) The system shall include student  
139 performance on the administration of a career-readiness  
140 assessment, such as, but not limited to, the ACT WorkKeys  
141 Assessment, deemed appropriate by the \* \* \* State Department of  
142 Education working in coordination with the Office of Workforce  
143 Development.



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

147 (7) The State Board of Education shall create an  
148 accreditation audit unit under the Commission on School  
149 Accreditation to determine whether schools are complying with  
150 accreditation standards.

151 (8) The State Board of Education shall be specifically  
152 authorized and empowered to withhold adequate education program  
153 fund allocations \* \* \* to any public school district for failure  
154 to timely report student, school personnel and fiscal data  
155 necessary to meet state and/or federal requirements.

156 (9) [Deleted]

157 (10) The State Board of Education shall establish, for those  
158 school districts failing to meet accreditation standards, a  
159 program of development to be complied with in order to receive  
160 state funds, except as otherwise provided in subsection (15) of  
161 this section when the Governor has declared a state of emergency  
162 in a school district or as otherwise provided in Section 206,  
163 Mississippi Constitution of 1890. The state board, in  
164 establishing these standards, shall provide for notice to schools  
165 and sufficient time and aid to enable schools to attempt to meet  
166 these standards, unless procedures under subsection (15) of this  
167 section have been invoked.



168           (11) \* \* \* The State Board of Education shall be charged  
169 with the implementation of the program of development in each  
170 applicable school district as follows:

171           (a) Develop an impairment report for each district  
172 failing to meet accreditation standards in conjunction with school  
173 district officials;

174           (b) Notify any applicable school district failing to  
175 meet accreditation standards that it is on probation until  
176 corrective actions are taken or until the deficiencies have been  
177 removed. The local school district shall develop a corrective  
178 action plan to improve its deficiencies. For district academic  
179 deficiencies, the corrective action plan for each such school  
180 district shall be based upon a complete analysis of the following:  
181 student test data, student grades, student attendance reports,  
182 student dropout data, existence and other relevant data. The  
183 corrective action plan shall describe the specific measures to be  
184 taken by the particular school district and school to improve:  
185 (i) instruction; (ii) curriculum; (iii) professional development;  
186 (iv) personnel and classroom organization; (v) student incentives  
187 for performance; (vi) process deficiencies; and (vii) reporting to  
188 the local school board, parents and the community. The corrective  
189 action plan shall describe the specific individuals responsible  
190 for implementing each component of the recommendation and how each  
191 will be evaluated. All corrective action plans shall be provided  
192 to the State Board of Education as may be required. The decision





193 of the State Board of Education establishing the probationary  
194 period of time shall be final;

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

197 \* \* \* Subject to the availability of funds, the State Department  
198 of Education shall provide technical and/or financial assistance  
199 to all such school districts in order to implement each measure  
200 identified in that district's corrective action plan through  
201 professional development and on-site assistance. Each such school  
202 district shall apply for and utilize all available federal funding  
203 in order to support its corrective action plan in addition to  
204 state funds made available under this paragraph;

205 (d) Assign department personnel or contract, in its  
206 discretion, with the institutions of higher learning or other  
207 appropriate private entities with experience in the academic,  
208 finance and other operational functions of schools to assist  
209 school districts;

210 (e) Provide for publication of public notice at least  
211 one time during the probationary period, in a newspaper published  
212 within the jurisdiction of the school district failing to meet  
213 accreditation standards, or if no newspaper is published therein,  
214 then in a newspaper having a general circulation therein. The  
215 publication shall include the following: declaration of school  
216 system's status as being on probation; all details relating to the  
217 impairment report; and other information as the State Board of



218 Education deems appropriate. Public notices issued under this  
219 section shall be subject to Section 13-3-31 and not contrary to  
220 other laws regarding newspaper publication.

221 (12) (a) If the recommendations for corrective action are  
222 not taken by the local school district or if the deficiencies are  
223 not removed by the end of the probationary period, the Commission  
224 on School Accreditation shall conduct a hearing to allow the  
225 affected school district to present evidence or other reasons why  
226 its accreditation should not be withdrawn. Additionally, if the  
227 local school district violates accreditation standards that have  
228 been determined by the policies and procedures of the State Board  
229 of Education to be a basis for withdrawal of school district's  
230 accreditation without a probationary period, the Commission on  
231 School Accreditation shall conduct a hearing to allow the affected  
232 school district to present evidence or other reasons why its  
233 accreditation should not be withdrawn. After its consideration of  
234 the results of the hearing, the Commission on School Accreditation  
235 shall be authorized, with the approval of the State Board of  
236 Education, to withdraw the accreditation of a public school  
237 district, and issue a request to the Governor that a state of  
238 emergency be declared in that district.

239 (b) If the State Board of Education and the Commission  
240 on School Accreditation determine that an extreme emergency  
241 situation exists in a school district that jeopardizes the safety,  
242 security or educational interests of the children enrolled in the



243 schools in that district and that emergency situation is believed  
244 to be related to a serious violation or violations of  
245 accreditation standards or state or federal law, or when a school  
246 district meets the State Board of Education's definition of a  
247 failing school district for two (2) consecutive full school years,  
248 or if more than fifty percent (50%) of the schools within the  
249 school district are designated as Schools At-Risk in any one (1)  
250 year, the State Board of Education may request the Governor to  
251 declare a state of emergency in that school district. For  
252 purposes of this paragraph, the declarations of a state of  
253 emergency shall not be limited to those instances when a school  
254 district's impairments are related to a lack of financial  
255 resources, but also shall include serious failure to meet minimum  
256 academic standards, as evidenced by a continued pattern of poor  
257 student performance.

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

262 (i) Declare a state of emergency, under which some  
263 or all of state funds can be escrowed except as otherwise provided  
264 in Section 206, Constitution of 1890, until the board determines  
265 corrective actions are being taken or the deficiencies have been  
266 removed, or that the needs of students warrant the release of  
267 funds. The funds may be released from escrow for any program



268 which the board determines to have been restored to standard even  
269 though the state of emergency may not as yet be terminated for the  
270 district as a whole;

271 (ii) Override any decision of the local school  
272 board or superintendent of education, or both, concerning the  
273 management and operation of the school district, or initiate and  
274 make decisions concerning the management and operation of the  
275 school district;

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

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

285 (v) For states of emergency declared under  
286 paragraph (a) only, if the accreditation deficiencies are related  
287 to the fact that the school district is too small, with too few  
288 resources, to meet the required standards and if another school  
289 district is willing to accept those students, abolish that  
290 district and assign that territory to another school district or  
291 districts. If the school district has proposed a voluntary  
292 consolidation with another school district or districts, then if



293 the State Board of Education finds that it is in the best interest  
294 of the pupils of the district for the consolidation to proceed,  
295 the voluntary consolidation shall have priority over any such  
296 assignment of territory by the State Board of Education;

297 (vi) For states of emergency declared under  
298 paragraph (b) only, reduce local supplements paid to school  
299 district employees, including, but not limited to, instructional  
300 personnel, assistant teachers and extracurricular activities  
301 personnel, if the district's impairment is related to a lack of  
302 financial resources, but only to an extent that will result in the  
303 salaries being comparable to districts similarly situated, as  
304 determined by the State Board of Education;

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

308 (d) At the time that satisfactory corrective action has  
309 been taken in a school district in which a state of emergency has  
310 been declared, the State Board of Education may request the  
311 Governor to declare that the state of emergency no longer exists  
312 in the district.

313 (e) The parent or legal guardian of a school-age child  
314 who is enrolled in a school district whose accreditation has been  
315 withdrawn by the Commission on School Accreditation and without  
316 approval of that school district may file a petition in writing to  
317 a school district accredited by the Commission on School



318 Accreditation for a legal transfer. The school district  
319 accredited by the Commission on School Accreditation may grant the  
320 transfer according to the procedures of Section 37-15-31(1)(b).  
321 In the event the accreditation of the student's home district is  
322 restored after a transfer has been approved, the student may  
323 continue to attend the transferee school district. The per-pupil  
324 amount of the adequate education program allotment, including the  
325 collective "add-on program" costs for the student's home school  
326 district shall be transferred monthly to the school district  
327 accredited by the Commission on School Accreditation that has  
328 granted the transfer of the school-age child.

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

332 (i) Place the school district into district  
333 transformation, in which the school district shall remain until it  
334 has fulfilled all conditions related to district transformation.  
335 If the district was assigned an accreditation rating of "D" or "F"  
336 when placed into district transformation, the district shall be  
337 eligible to return to local control when the school district has  
338 attained a "C" rating or higher for five (5) consecutive years,  
339 unless the State Board of Education determines that the district  
340 is eligible to return to local control in less than the five-year  
341 period;



342 (ii) Abolish the school district and  
343 administratively consolidate the school district with one or more  
344 existing school districts;

345 (iii) Reduce the size of the district and  
346 administratively consolidate parts of the district, as determined  
347 by the State Board of Education. However, no school district  
348 which is not in district transformation shall be required to  
349 accept additional territory over the objection of the district; or

350 (iv) Require the school district to develop and  
351 implement a district improvement plan with prescriptive guidance  
352 and support from the State Department of Education, with the goal  
353 of helping the district improve student achievement. Failure of  
354 the school board, superintendent and school district staff to  
355 implement the plan with fidelity and participate in the activities  
356 provided as support by the department shall result in the school  
357 district retaining its eligibility for district transformation.

358 (g) There is established a Mississippi Recovery School  
359 District within the State Department of Education under the  
360 supervision of a deputy superintendent appointed by the State  
361 Superintendent of Public Education, who is subject to the approval  
362 by the State Board of Education. The Mississippi Recovery School  
363 District shall provide leadership and oversight of all school  
364 districts that are subject to district transformation status, as  
365 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,  
366 and shall have all the authority granted under these two (2)



367 chapters. The Mississippi Department of Education, with the  
368 approval of the State Board of Education, shall develop policies  
369 for the operation and management of the Mississippi Recovery  
370 School District. The deputy state superintendent is responsible  
371 for the Mississippi Recovery School District and shall be  
372 authorized to oversee the administration of the Mississippi  
373 Recovery School District, oversee the interim superintendent  
374 assigned by the State Board of Education to a local school  
375 district, hear appeals that would normally be filed by students,  
376 parents or employees and heard by a local school board, which  
377 hearings on appeal shall be conducted in a prompt and timely  
378 manner in the school district from which the appeal originated in  
379 order to ensure the ability of appellants, other parties and  
380 witnesses to appeal without undue burden of travel costs or loss  
381 of time from work, and perform other related duties as assigned by  
382 the State Superintendent of Public Education. The deputy state  
383 superintendent is responsible for the Mississippi Recovery School  
384 District and shall determine, based on rigorous professional  
385 qualifications set by the State Board of Education, the  
386 appropriate individuals to be engaged to be interim  
387 superintendents and financial advisors, if applicable, of all  
388 school districts subject to district transformation status. After  
389 State Board of Education approval, these individuals shall be  
390 deemed independent contractors.





391           (13) Upon the declaration of a state of emergency in a  
392 school district under subsection (12) of this section, the  
393 Commission on School Accreditation shall be responsible for public  
394 notice at least once a week for at least three (3) consecutive  
395 weeks in a newspaper published within the jurisdiction of the  
396 school district failing to meet accreditation standards, or if no  
397 newspaper is published therein, then in a newspaper having a  
398 general circulation therein. The size of the notice shall be no  
399 smaller than one-fourth (1/4) of a standard newspaper page and  
400 shall be printed in bold print. If an interim superintendent has  
401 been appointed for the school district, the notice shall begin as  
402 follows: "By authority of Section 37-17-6, Mississippi Code of  
403 1972, as amended, adopted by the Mississippi Legislature during  
404 the 1991 Regular Session, this school district (name of school  
405 district) is hereby placed under the jurisdiction of the State  
406 Department of Education acting through its appointed interim  
407 superintendent (name of interim superintendent)."

408           The notice also shall include, in the discretion of the State  
409 Board of Education, any or all details relating to the school  
410 district's emergency status, including the declaration of a state  
411 of emergency in the school district and a description of the  
412 district's impairment deficiencies, conditions of any district  
413 transformation status and corrective actions recommended and being  
414 taken. Public notices issued under this section shall be subject



415 to Section 13-3-31 and not contrary to other laws regarding  
416 newspaper publication.

417       Upon termination of the state of emergency in a school  
418 district, the Commission on School Accreditation shall cause  
419 notice to be published in the school district in the same manner  
420 provided in this section, to include any or all details relating  
421 to the corrective action taken in the school district that  
422 resulted in the termination of the state of emergency.

423       (14) The State Board of Education or the Commission on  
424 School Accreditation shall have the authority to require school  
425 districts to produce the necessary reports, correspondence,  
426 financial statements, and any other documents and information  
427 necessary to fulfill the requirements of this section.

428       Nothing in this section shall be construed to grant any  
429 individual, corporation, board or interim superintendent the  
430 authority to levy taxes except in accordance with presently  
431 existing statutory provisions.

432       (15) (a) Whenever the Governor declares a state of  
433 emergency in a school district in response to a request made under  
434 subsection (12) of this section, the State Board of Education, in  
435 its discretion, may assign an interim superintendent to the school  
436 district, or in its discretion, may contract with an appropriate  
437 private entity with experience in the academic, finance and other  
438 operational functions of schools and school districts, who will be  
439 responsible for the administration, management and operation of



440 the school district, including, but not limited to, the following  
441 activities:

442 (i) Approving or disapproving all financial  
443 obligations of the district, including, but not limited to, the  
444 employment, termination, nonrenewal and reassignment of all  
445 licensed and nonlicensed personnel, contractual agreements and  
446 purchase orders, and approving or disapproving all claim dockets  
447 and the issuance of checks; in approving or disapproving  
448 employment contracts of superintendents, assistant superintendents  
449 or principals, the interim superintendent shall not be required to  
450 comply with the time limitations prescribed in Sections 37-9-15  
451 and 37-9-105;

452 (ii) Supervising the day-to-day activities of the  
453 district's staff, including reassigning the duties and  
454 responsibilities of personnel in a manner which, in the  
455 determination of the interim superintendent, will best suit the  
456 needs of the district;

457 (iii) Reviewing the district's total financial  
458 obligations and operations and making recommendations to the  
459 district for cost savings, including, but not limited to,  
460 reassigning the duties and responsibilities of staff;

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



463 (v) Approving or disapproving all athletic, band  
464 and other extracurricular activities and any matters related to  
465 those activities;

466 (vi) Maintaining a detailed account of  
467 recommendations made to the district and actions taken in response  
468 to those recommendations;

469 (vii) Reporting periodically to the State Board of  
470 Education on the progress or lack of progress being made in the  
471 district to improve the district's impairments during the state of  
472 emergency; and

473 (viii) Appointing a parent advisory committee,  
474 comprised of parents of students in the school district that may  
475 make recommendations to the interim superintendent concerning the  
476 administration, management and operation of the school district.

477 The cost of the salary of the interim superintendent and any  
478 other actual and necessary costs related to district  
479 transformation status paid by the State Department of Education  
480 shall be reimbursed by the local school district from funds other  
481 than adequate education program funds. The department shall  
482 submit an itemized statement to the superintendent of the local  
483 school district for reimbursement purposes, and any unpaid balance  
484 may be withheld from the district's adequate education program  
485 funds.

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



488 emergency no longer exists in a school district, the powers and  
489 responsibilities of the interim superintendent assigned to the  
490 district shall cease.

491 (b) In order to provide loans to school districts under  
492 a state of emergency or in district transformation status that  
493 have impairments related to a lack of financial resources, the  
494 School District Emergency Assistance Fund is created as a special  
495 fund in the State Treasury into which monies may be transferred or  
496 appropriated by the Legislature from any available public  
497 education funds. Funds in the School District Emergency  
498 Assistance Fund up to a maximum balance of Three Million Dollars  
499 (\$3,000,000.00) annually shall not lapse but shall be available  
500 for expenditure in subsequent years subject to approval of the  
501 State Board of Education. Any amount in the fund in excess of  
502 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
503 year shall lapse into the State General Fund or the Education  
504 Enhancement Fund, depending on the source of the fund.

505 The State Board of Education may loan monies from the School  
506 District Emergency Assistance Fund to a school district that is  
507 under a state of emergency or in district transformation status,  
508 in those amounts, as determined by the board, that are necessary  
509 to correct the district's impairments related to a lack of  
510 financial resources. The loans shall be evidenced by an agreement  
511 between the school district and the State Board of Education and  
512 shall be repayable in principal, without necessity of interest, to



513 the School District Emergency Assistance Fund by the school  
514 district from any allowable funds that are available. The total  
515 amount loaned to the district shall be due and payable within five  
516 (5) years after the impairments related to a lack of financial  
517 resources are corrected. If a school district fails to make  
518 payments on the loan in accordance with the terms of the agreement  
519 between the district and the State Board of Education, the State  
520 Department of Education, in accordance with rules and regulations  
521 established by the State Board of Education, may withhold that  
522 district's adequate education program funds in an amount and  
523 manner that will effectuate repayment consistent with the terms of  
524 the agreement; the funds withheld by the department shall be  
525 deposited into the School District Emergency Assistance Fund.

526 The State Board of Education shall develop a protocol that  
527 will outline the performance standards and requisite timeline  
528 deemed necessary for extreme emergency measures. If the State  
529 Board of Education determines that an extreme emergency exists,  
530 simultaneous with the powers exercised in this subsection, it  
531 shall take immediate action against all parties responsible for  
532 the affected school districts having been determined to be in an  
533 extreme emergency. The action shall include, but not be limited  
534 to, initiating civil actions to recover funds and criminal actions  
535 to account for criminal activity. Any funds recovered by the  
536 State Auditor or the State Board of Education from the surety  
537 bonds of school officials or from any civil action brought under



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

540 (16) If a majority of the membership of the school board of  
541 any school district resigns from office, the State Board of  
542 Education shall be authorized to assign an interim superintendent,  
543 who shall be responsible for the administration, management and  
544 operation of the school district until the time as new board  
545 members are selected or the Governor declares a state of emergency  
546 in that school district under subsection (12), whichever occurs  
547 first. In that case, the State Board of Education, acting through  
548 the interim superintendent, shall have all powers which were held  
549 by the previously existing school board, and may take any action  
550 as prescribed in Section 37-17-13 and/or one or more of the  
551 actions authorized in this section.

552 (17) (a) If the Governor declares a state of emergency in a  
553 school district, the State Board of Education may take all such  
554 action pertaining to that school district as is authorized under  
555 subsection (12) or (15) of this section, including the appointment  
556 of an interim superintendent. The State Board of Education shall  
557 also have the authority to issue a written request with  
558 documentation to the Governor asking that the office of the  
559 superintendent of the school district be subject to recall. If  
560 the Governor declares that the office of the superintendent of the  
561 school district is subject to recall, the local school board or



562 the county election commission, as the case may be, shall take the  
563 following action:

564 (i) If the office of superintendent is an elected  
565 office, in those years in which there is no general election, the  
566 name shall be submitted by the State Board of Education to the  
567 county election commission, and the county election commission  
568 shall submit the question at a special election to the voters  
569 eligible to vote for the office of superintendent within the  
570 county, and the special election shall be held within sixty (60)  
571 days from notification by the State Board of Education. The  
572 ballot shall read substantially as follows:

573 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
574 name of the superintendent shall be inserted) of the \_\_\_\_\_  
575 (here the title of the school district shall be inserted) be  
576 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

577 If a majority of those voting on the question votes against  
578 retaining the superintendent in office, a vacancy shall exist  
579 which shall be filled in the manner provided by law; otherwise,  
580 the superintendent shall remain in office for the term of that  
581 office, and at the expiration of the term shall be eligible for  
582 qualification and election to another term or terms.

583 (ii) If the office of superintendent is an  
584 appointive office, the name of the superintendent shall be  
585 submitted by the president of the local school board at the next  
586 regular meeting of the school board for retention in office or





587 dismissal from office. If a majority of the school board voting  
588 on the question vote against retaining the superintendent in  
589 office, a vacancy shall exist which shall be filled as provided by  
590 law, otherwise the superintendent shall remain in office for the  
591 duration of his employment contract.

592 (b) The State Board of Education may issue a written  
593 request with documentation to the Governor asking that the  
594 membership of the school board of the school district shall be  
595 subject to recall. Whenever the Governor declares that the  
596 membership of the school board is subject to recall, the county  
597 election commission or the local governing authorities, as the  
598 case may be, shall take the following action:

599 (i) If the members of the local school board are  
600 elected to office, in those years in which the specific member's  
601 office is not up for election, the name of the school board member  
602 shall be submitted by the State Board of Education to the county  
603 election commission, and the county election commission at a  
604 special election shall submit the question to the voters eligible  
605 to vote for the particular member's office within the county or  
606 school district, as the case may be, and the special election  
607 shall be held within sixty (60) days from notification by the  
608 State Board of Education. The ballot shall read substantially as  
609 follows:

610 "Members of the \_\_\_\_\_ (here the title of the school  
611 district shall be inserted) School Board who are not up for



612 election this year are subject to recall because of the school  
613 district's failure to meet critical accountability standards as  
614 defined in the letter of notification to the Governor from the  
615 State Board of Education. Shall the member of the school board  
616 representing this area, \_\_\_\_\_ (here the name of the school  
617 board member holding the office shall be inserted), be retained in  
618 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

619 If a majority of those voting on the question vote against  
620 retaining the member of the school board in office, a vacancy in  
621 that board member's office shall exist, which shall be filled in  
622 the manner provided by law; otherwise, the school board member  
623 shall remain in office for the term of that office, and at the  
624 expiration of the term of office, the member shall be eligible for  
625 qualification and election to another term or terms of office.  
626 However, if a majority of the school board members are recalled in  
627 the special election, the Governor shall authorize the board of  
628 supervisors of the county in which the school district is situated  
629 to appoint members to fill the offices of the members recalled.  
630 The board of supervisors shall make those appointments in the  
631 manner provided by law for filling vacancies on the school board,  
632 and the appointed members shall serve until the office is filled  
633 at the next regular special election or general election.

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



637 or county governing authority, as the case may be, at the next  
638 regular meeting of the governing authority for retention in office  
639 or dismissal from office. If a majority of the governing  
640 authority voting on the question vote against retaining the board  
641 in office, a vacancy shall exist in each school board member's  
642 office, which shall be filled as provided by law; otherwise, the  
643 members of the appointed school board shall remain in office for  
644 the duration of their term of appointment, and those members may  
645 be reappointed.

646 (iii) If the local school board is comprised of  
647 both elected and appointed members, the elected members shall be  
648 subject to recall in the manner provided in subparagraph (i) of  
649 this paragraph (b), and the appointed members shall be subject to  
650 recall in the manner provided in subparagraph (ii).

651 (18) \* \* \* The State Board of Education, acting through the  
652 Commission on School Accreditation, shall require each school  
653 district to comply with standards established by the State  
654 Department of Audit for the verification of fixed assets and the  
655 auditing of fixed assets records as a minimum requirement for  
656 accreditation.

657 (19) \* \* \* The State Superintendent of Public Education and  
658 the State Board of Education \* \* \* shall develop a comprehensive  
659 accountability plan to ensure that local school boards,  
660 superintendents, principals and teachers are held accountable for  
661 student achievement. \* \* \*



662 (20) \* \* \* If a local school district is determined as  
663 failing and placed into district transformation status for reasons  
664 authorized by the provisions of this section, the interim  
665 superintendent appointed to the district shall, within forty-five  
666 (45) days after being appointed, present a detailed and structured  
667 corrective action plan to move the local school district out of  
668 district transformation status to the deputy superintendent. A  
669 copy of the interim superintendent's corrective action plan shall  
670 also be filed with the State Board of Education.

671 **SECTION 2.** This act shall take effect and be in force from  
672 and after July 1, 2023.

