

By: Representative McLean

To: Education

HOUSE BILL NO. 1368

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



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

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

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

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

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

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

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

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

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible 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 2024-2025 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



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

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

* * *

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

(5) (a) Effective with the * * * 2024-2025 school year, the State Department of Education, acting through the Mississippi Commission on School Accreditation, shall revise and implement a single * * * school and school district accountability system that shows meaningful differentiation between school districts while complying with applicable federal and state requirements * * * and approved by the State Board of Education.

(b) The State Department of Education shall combine the 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 * * * equivalent to "B" or higher, in order to
137 raise the 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.



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

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

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

(9) [Deleted]

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



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

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

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

(i) instruction; (ii) curriculum; (iii) professional development; (iv) personnel and classroom organization; (v) student incentives for performance; (vi) process deficiencies; and (vii) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision



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

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

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

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

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



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

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

(b) If the State Board of Education and the Commission on School Accreditation determine that an extreme emergency situation exists in a school district that jeopardizes the safety, 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



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

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

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

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

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



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

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

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

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

(e) The parent or legal guardian of a school-age child who is enrolled in a school district whose accreditation has been withdrawn by the Commission on School Accreditation and without approval of that school district may file a petition in writing to 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 * * *
336 equivalent to "D" or "F" when placed into district transformation,
337 the district shall be eligible to return to local control when the
338 school district has attained a rating equivalent to "C" * * * or
339 higher for five (5) consecutive years, unless the State Board of
340 Education determines that the district is eligible to return to
341 local control in less than the five-year period;



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

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

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

(g) There is established a Mississippi Recovery School District within the State Department of Education under the supervision of a deputy superintendent appointed by the State Superintendent of Public Education, who is subject to the approval by the State Board of Education. The Mississippi Recovery School District shall provide leadership and oversight of all school districts that are subject to district transformation status, as defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972, 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.



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

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



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

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

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

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

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



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

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

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



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

The State Board of Education shall develop a protocol that will outline the performance standards and requisite timeline deemed necessary for extreme emergency measures. If the State Board of Education determines that an extreme emergency exists, simultaneous with the powers exercised in this subsection, it shall take immediate action against all parties responsible for the affected school districts having been determined to be in an extreme emergency. The action shall include, but not be limited to, initiating civil actions to recover funds and criminal actions to account for criminal activity. Any funds recovered by the State Auditor or the State Board of Education from the surety 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, 2024.

