

By: Representative McCarty

To: Education

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1143

1 AN ACT TO AMEND SECTIONS 37-17-6 AND 37-17-13, MISSISSIPPI  
2 CODE OF 1972, TO CLARIFY THE ROLE OF AN INTERIM SUPERINTENDENT OF  
3 A SCHOOL DISTRICT THAT HAD BEEN UNDER THE ADMINISTRATIVE CONTROL  
4 OF THE STATE BOARD OF EDUCATION; TO PROVIDE THAT UPON THE RETURN  
5 OF THE LOCAL SCHOOL DISTRICT TO A NEWLY RECONSTITUTED LOCAL SCHOOL  
6 BOARD, THE INTERIM SUPERINTENDENT APPOINTED BY THE STATE BOARD OF  
7 EDUCATION SHALL SERVE ALONGSIDE THE NEW LOCAL SCHOOL BOARD AND  
8 NEWLY APPOINTED SUPERINTENDENT IN AN ADVISORY CAPACITY FOR ONE  
9 YEAR; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO PROMULGATE  
10 RULES AND REGULATIONS GOVERNING THE PROFESSIONAL CONDUCT AND  
11 GOVERNANCE OF SCHOOL BOARD MEMBERS, AND PRESCRIBE PENALTIES FOR  
12 VIOLATION OF SUCH RULES AND REGULATIONS; AND FOR RELATED PURPOSES.

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

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

16 37-17-6. (1) The State Board of Education, acting through  
17 the Commission on School Accreditation, shall establish and  
18 implement a permanent performance-based accreditation system, and  
19 all noncharter public elementary and secondary schools shall be  
20 accredited under this system.

21 (2) School districts shall be required to provide school  
22 classroom space that is air-conditioned as a minimum requirement  
23 for accreditation.



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

| Number of Students<br>Per School Library | Number of Certified<br>School Librarians        |
|--|---|
| 0 - 499 Students                         | 1/2 Full-time Equivalent<br>Certified Librarian |
| 500 or More Students                     | 1 Full-time Certified<br>Librarian              |

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

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

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

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



48 (f) Any additional millage levied to fund school  
49 librarians required for accreditation under this subsection shall  
50 be included in the tax increase limitation set forth in Sections  
51 37-57-105 and 37-57-107 and shall not be deemed a new program for  
52 purposes of the limitation.

53 (4) [Deleted]

54 (5) (a) The State Department of Education, acting through  
55 the Mississippi Commission on School Accreditation, shall  
56 implement a single "A" through "F" school and school district  
57 accountability system complying with applicable federal and state  
58 requirements in order to reach the following educational goals:

59 (i) To mobilize resources and supplies to ensure  
60 that all students exit third grade reading on grade level;

61 (ii) To reduce the student dropout rate to ten  
62 percent (10%) by 2015; and

63 (iii) To have sixty percent (60%) of students  
64 scoring proficient and advanced on assessments.

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

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

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



73                   (ii) Individual student growth: the percent of  
74 students making one (1) year's progress in one (1) year's time on  
75 the state assessment, with an emphasis on the progress of the  
76 lowest twenty-five percent (25%) of students in the school or  
77 district;

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

81                   (iv) The system shall include the federally  
82 compliant four-year graduation rate in school and school district  
83 accountability system calculations. Graduation rate will apply to  
84 high school and school district accountability ratings as a  
85 compensatory component. The system shall discontinue the use of  
86 the High School Completer Index (HSCI);

87                   (v) The school and school district accountability  
88 system shall incorporate a standards-based growth model, in order  
89 to support improvement of individual student learning;

90                   (vi) The State Department of Education shall  
91 determine feeder patterns of schools that do not earn a school  
92 grade because the grades and subjects taught at the school do not  
93 have statewide standardized assessments needed to calculate a  
94 school grade. Upon determination of the feeder pattern, the  
95 department shall notify schools and school districts prior to the  
96 release of the school grades. Feeder schools will be assigned the



accountability designation of the school to which they provide students;

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

(viii) The system shall include student performance on the administration of a career-readiness assessment, such as, but not limited to, the ACT WorkKeys Assessment, deemed appropriate by the State Department of Education working in coordination with the Office of Workforce 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 allocations from the total funding formula funds as provided in Sections 37-151-200 through 37-151-215 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 appropriations, 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





196 been determined by the policies and procedures of the State Board  
197 of Education to be a basis for withdrawal of school district's  
198 accreditation without a probationary period, the Commission on  
199 School Accreditation shall conduct a hearing to allow the affected  
200 school district to present evidence or other reasons why its  
201 accreditation should not be withdrawn. After its consideration of  
202 the results of the hearing, the Commission on School Accreditation  
203 shall be authorized, with the approval of the State Board of  
204 Education, to withdraw the accreditation of a public school  
205 district, and issue a request to the Governor that a state of  
206 emergency be declared in that district.

207           (b)   (i)   If the State Board of Education and the  
208 Commission on School Accreditation determine that an extreme  
209 emergency situation exists in a school district that jeopardizes  
210 the safety, security or educational interests of the children  
211 enrolled in the schools in that district and that emergency  
212 situation is believed to be related to a serious violation or  
213 violations of accreditation standards or state or federal law, the  
214 State Board of Education may request the Governor to declare a  
215 state of emergency in that school district. For purposes of this  
216 paragraph, the declarations of a state of emergency district's  
217 impairments are related to a lack of financial may include the  
218 school district's serious failure to meet minimum academic  
219 standards, as evidenced by a continued pattern of poor student



performance, or impairments related to a lack of financial resources.

(ii) If the State Board of Education determines that a public school or district in the state which, during each of two (2) consecutive school years or during two (2) of three (3) consecutive school years, receives an "F" designation by the State Board of Education under the accountability rating system or has been persistently failing as defined by the State Board of Education; or if the State Board of Education determines that a public school or district in the state which, during each of four (4) consecutive school years, receives a "D" or "F" designation by the State Board of Education under the accountability rating system or has been persistently failing as defined by the State Board of Education; or if more than fifty percent (50%) of the schools within a school district are designated as Schools-At-Risk in any one (1) year, then the board may place such school or district into a District of Transformation. The State Board of Education shall take over only the number of schools and districts for which it has the capacity to serve. The State Board of Education shall adopt rules and regulations governing any additional requirements for placement into a District of Transformation and the operation thereof. School districts or schools that are eligible to be placed into a District of Transformation due to poor academic performance but are not absorbed due to the capacity of the State Board of Education,



shall develop and implement a district improvement plan with prescriptive guidance and support from the Mississippi 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 placement into a District of Transformation.

(iii) If the State Board of Education determined that a school district is impaired with a serious lack of financial resources, the State Board of Education may place the school district into a District of Transformation. If a school district is placed into a District of Transformation for financial reasons, the school district shall be required to reimburse the state for any costs incurred by the state on behalf of the school district.

(c) Whenever the Governor declares a state of emergency in a school district in response to a request made under paragraph (a) or (b) of this subsection, or when the State Board of Education places a school district into a District of Transformation due to poor academic performance or financial reasons, the State Board of Education may take one or more of the following actions:

(i) Declare a state of emergency, under which some or all of state funds can be escrowed except as otherwise provided



in Section 206, Constitution of 1890, until the board determines corrective actions are being taken or the deficiencies have been removed, or that the needs of students warrant the release of 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 actions taken pursuant to 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 actions taken pursuant to 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.



319           (e) The parent or legal guardian of a school-age child  
320 who is enrolled in a school district whose accreditation has been  
321 withdrawn by the Commission on School Accreditation and without  
322 approval of that school district may file a petition in writing to  
323 a school district accredited by the Commission on School  
324 Accreditation for a legal transfer. The school district  
325 accredited by the Commission on School Accreditation may grant the  
326 transfer according to the procedures of Section 37-15-31(1)(b).  
327 In the event the accreditation of the student's home district is  
328 restored after a transfer has been approved, the student may  
329 continue to attend the transferee school district. The per pupil  
330 amount of the total funding formula allotment for the student's  
331 home school district shall be transferred monthly to the school  
332 district accredited by the Commission on School Accreditation that  
333 has granted the transfer of the school-age child.

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

337           (i) Place the school district into district  
338 transformation, in which the school district shall remain until it  
339 has fulfilled all conditions related to district transformation.  
340 If the district was assigned an accreditation rating of "D" or "F"  
341 when placed into district transformation, the district shall be  
342 eligible to return to local control when the school district has  
343 attained a "C" rating or higher for three (3) consecutive years;



(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.

(13) Upon the declaration of a state of emergency in a school district under subsection (12) of this section, or upon the State Board of Education's placement of a school district into a District of Transformation for academic or financial reasons, 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



369 general circulation therein. The size of the notice shall be no  
370 smaller than one-fourth (1/4) of a standard newspaper page and  
371 shall be printed in bold print. If an interim superintendent has  
372 been appointed for the school district, the notice shall begin as  
373 follows: "By authority of Section 37-17-6, Mississippi Code of  
374 1972, as amended, adopted by the Mississippi Legislature during  
375 the 1991 Regular Session, this school district (name of school  
376 district) is hereby placed under the jurisdiction of the State  
377 Department of Education acting through its appointed interim  
378 superintendent (name of interim superintendent)."

379 The notice also shall include, in the discretion of the State  
380 Board of Education, any or all details relating to the school  
381 district's emergency status, including the declaration of a state  
382 of emergency in the school district and a description of the  
383 district's impairment deficiencies, conditions of any district  
384 transformation status and corrective actions recommended and being  
385 taken. Public notices issued under this section shall be subject  
386 to Section 13-3-31 and not contrary to other laws regarding  
387 newspaper publication.

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





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

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

403           (15) (a) Whenever the Governor declares a state of  
404 emergency in a school district in response to a request made under  
405 subsection (12) of this section, or when the State Board of  
406 Education places a school district into a District of  
407 Transformation for academic or financial reasons, the State Board  
408 of Education, in its discretion, may assign an interim  
409 superintendent to the school district, or in its discretion, may  
410 contract with an appropriate private entity with experience in the  
411 academic, finance and other operational functions of schools and  
412 school districts, who will be responsible for the administration,  
413 management and operation of the school district, including, but  
414 not limited to, the following activities:

415                   (i) Approving or disapproving all financial  
416 obligations of the district, including, but not limited to, the  
417 employment, termination, nonrenewal and reassignment of all  
418 licensed and nonlicensed personnel, contractual agreements and



419 purchase orders, and approving or disapproving all claim dockets  
420 and the issuance of checks; in approving or disapproving  
421 employment contracts of superintendents, assistant superintendents  
422 or principals, the interim superintendent shall not be required to  
423 comply with the time limitations prescribed in Sections 37-9-15  
424 and 37-9-105;

425                   (ii) Supervising the day-to-day activities of the  
426 district's staff, including reassigning the duties and  
427 responsibilities of personnel in a manner which, in the  
428 determination of the interim superintendent, will best suit the  
429 needs of the district;

430                   (iii) Reviewing the district's total financial  
431 obligations and operations and making recommendations to the  
432 district for cost savings, including, but not limited to,  
433 reassigning the duties and responsibilities of staff;

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

436                   (v) Approving or disapproving all athletic, band  
437 and other extracurricular activities and any matters related to  
438 those activities;

439                   (vi) Maintaining a detailed account of  
440 recommendations made to the district and actions taken in response  
441 to those recommendations;

442                   (vii) Reporting periodically to the State Board of  
443 Education on the progress or lack of progress being made in the



district to improve the district's impairments during the state of emergency; and

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

The cost of the salary of the interim superintendent and any other actual and necessary costs related to district transformation status paid by the State Department of Education shall be reimbursed by the local school district from funds other than total funding formula funds as provided in Sections 37-151-200 through 37-151-215. In the alternative, the local school district may pay the cost of the salary of the interim superintendent. The department shall submit an itemized statement to the superintendent of the local school district for reimbursement purposes, and any unpaid balance may be withheld from the district's total funding formula funds.

At the time that the Governor, in accordance with the request of the State Board of Education, declares that the state of emergency no longer exists in a school district, \* \* \* during the newly reconstituted school board's first full year of administering the school district, the interim superintendent appointed by the State Board of Education shall continue to serve alongside both the local school board and the school district's newly appointed superintendent in an advisory and oversight



469 capacity, and shall make periodic reports to the State Board of  
470 Education.

471 (b) In order to provide loans to school districts under  
472 a state of emergency or in district transformation status that  
473 have impairments related to a lack of financial resources, the  
474 School District Emergency Assistance Fund is created as a special  
475 fund in the State Treasury into which monies may be transferred or  
476 appropriated by the Legislature from any available public  
477 education funds. Funds in the School District Emergency  
478 Assistance Fund up to a maximum balance of Three Million Dollars  
479 (\$3,000,000.00) annually shall not lapse but shall be available  
480 for expenditure in subsequent years subject to approval of the  
481 State Board of Education. Any amount in the fund in excess of  
482 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
483 year shall lapse into the State General Fund or the Education  
484 Enhancement Fund, depending on the source of the fund.

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



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

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



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

(16) [Deleted]

(17) [Deleted]

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

(19) [Deleted]

(20) [Deleted]

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

**SECTION 2.** Section 37-17-13, Mississippi Code of 1972, is amended as follows:

37-17-13. (1) Whenever the Governor declares a state of emergency in a school district in response to a certification by



the State Board of Education and the Commission on School Accreditation made under Section 37-17-6(12)(b), or when the State Board of Education places a school district into a District of Transformation for academic or financial reasons under Section 37-17-6(12)(b), the State Board of Education, in addition to any actions taken under Section 37-17-6, shall abolish the school district and assume control and administration of the schools formerly constituting the district, and appoint an interim superintendent to carry out this purpose under the direction of the State Board of Education. In such case, the State Board of Education shall have all powers which were held by the previously existing school board, and the previously existing superintendent of schools or county superintendent of education, including, but not limited to, those enumerated in Section 37-7-301, and the authority to request tax levies from the appropriate governing authorities for the support of the schools and to receive and expend the tax funds as provided by Section 37-57-1 et seq. and Section 37-57-105 et seq.

(2) When a school district is abolished under this section, loans from the School District Emergency Assistance Fund may be made by the State Board of Education for the use and benefit of the schools formerly constituting the district in accordance with the procedures set forth in Section 37-17-6(15) for such loans to the district. The abolition of a school district under this section shall not impair or release the property of that school



568 district from liability for the payment of the loan indebtedness,  
569 and it shall be the duty of the appropriate governing authorities  
570 to levy taxes on the property of the district so abolished from  
571 year to year according to the terms of the indebtedness until same  
572 shall be fully paid.

573       (3) After a local school board is abolished by the State  
574 Board of Education, at such time the State Board of Education  
575 determines that the impairments are being substantially corrected  
576 and the responsibility of the district transformation in such  
577 district upon the conclusion of the final scholastic year in which  
578 a district has maintained a "C" accountability rating for three  
579 (3) consecutive years, the State Board of Education may appoint a  
580 new five-member board for the administration of the school  
581 district and shall notify the local county board of supervisors  
582 and/or municipal governing authority of such appointment,  
583 spreading the names of the new school board members on its  
584 minutes. The new local school board members shall be residents of  
585 the school district. The new local school board members appointed  
586 by the State Board of Education may serve in an advisory capacity  
587 to the interim superintendent for its first year of service and  
588 thereafter shall have full responsibility to administer the school  
589 district. Thirty (30) days prior to the end of the first year of  
590 office as an advisory board, each member shall draw lots to  
591 determine when the members shall rotate off the board as follows:  
592 one (1) member shall serve a one-year term of office; one (1)





593 member shall serve a two-year term of office; one (1) member shall  
594 serve a three-year term of office; one (1) member shall serve a  
595 four-year term of office; and one (1) member shall serve a  
596 five-year term of office. At that time, the State Board of  
597 Education shall notify the appropriate board of supervisors or  
598 municipal governing authority of this action and request them to  
599 provide for the election or appointment of school board members at  
600 the end of the terms of office in the manner provided by law, in  
601 order for the local residents of the school district to select a  
602 new school board on a phased-in basis. In such situations, the  
603 Governor will set the date of any necessary special election which  
604 shall be conducted by the county election commission. During the  
605 new school board's first \* \* \* full year of administering the  
606 school district, the interim superintendent appointed by the State  
607 Board of Education shall continue to serve alongside both the  
608 local school board and the school district's newly appointed  
609 superintendent in an advisory and oversight capacity, and shall  
610 make periodic reports to the State Board of Education. \* \* \* A  
611 board member or superintendent in office at the time the Governor  
612 declares a state of emergency in a school district, or when the  
613 State Board of Education places a school district into a District  
614 of Transformation due to academic or financial reasons, shall not  
615 be eligible to serve in the office of school board member or  
616 superintendent for the school district reconstituted or  
617 reorganized following the district transformation period.



618        **SECTION 3.** The State Board of Education is authorized to  
619 promulgate rules and regulations regarding the professional  
620 conduct and governance of school board members and establish  
621 penalties for violations of such rules. If a member of a school  
622 board is cited by the State Department of Education for such  
623 violations, the department is authorized to direct the local  
624 school board to reduce or remove the compensation for the school  
625 board member as well as other penalties not limited to dismissal  
626 from the school board in accordance with the rules and regulations  
627 established by the State Board of Education.

628        **SECTION 4.** This act shall take effect and be in force from  
629 and after July 1, 2025.

