

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2396
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE AND DIRECT THE STATE DEPARTMENT OF EDUCATION, ACTING
3 THROUGH THE MISSISSIPPI COMMISSION ON SCHOOL ACCREDITATION, TO
4 ESTABLISH A SINGLE "A" THROUGH "F" SCHOOL AND DISTRICT
5 ACCOUNTABILITY SYSTEM SATISFYING FEDERAL AND STATE ACCOUNTABILITY
6 REQUIREMENTS AND TO PRESCRIBE STANDARDS FOR THAT SYSTEM; AND FOR
7 RELATED PURPOSES.

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

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

11 * * *

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

17 (2) No later than June 30, 1995, the State Board of
18 Education, acting through the Commission on School Accreditation,
19 shall require school districts to provide school classroom space



20 that is air-conditioned as a minimum requirement for
21 accreditation.

22 (3) (a) Beginning with the 1994-1995 school year, the State
23 Board of Education, acting through the Commission on School
24 Accreditation, shall require that school districts employ
25 certified school librarians according to the following formula:

26	Number of Students	Number of Certified
27	Per School Library	School Librarians
28	0 - 499 Students	1/2 Full-time Equivalent
29		Certified Librarian
30	500 or More Students	1 Full-time Certified
31		Librarian

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

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

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



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

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

51 (4) On or before December 31, 2002, the State Board of
52 Education shall implement the performance-based accreditation
53 system for school districts and for individual schools which shall
54 include the following:

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

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

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

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

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



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

69 (g) A determination of which schools are failing to
70 meet their standards and a determination of the appropriate role
71 of the State Board of Education and the State Department of
72 Education in providing assistance and initiating possible
73 intervention. A failing district is a district that fails to meet
74 both the absolute student achievement standards and the rate of
75 annual growth expectation standards as set by the State Board of
76 Education for two (2) consecutive years. The State Board of
77 Education shall establish the level of benchmarks by which
78 absolute student achievement and growth expectations shall be
79 assessed. In setting the benchmarks for school districts, the
80 State Board of Education may also take into account such factors
81 as graduation rates, dropout rates, completion rates, the extent
82 to which the school or district employs qualified teachers in
83 every classroom, and any other factors deemed appropriate by the
84 State Board of Education. The State Board of Education, acting
85 through the State Department of Education, shall apply a simple
86 "A," "B," "C," "D" and "F" designation to the current school and
87 school district statewide accountability performance
88 classification labels beginning with the State Accountability
89 Results for the 2011-2012 school year and following, and in the
90 school, district and state report cards required under state and



91 federal law. Under the new designations, a school or school
92 district that has earned a "Star" rating shall be designated an
93 "A" school or school district; a school or school district that
94 has earned a "High-Performing" rating shall be designated a "B"
95 school or school district; a school or school district that has
96 earned a "Successful" rating shall be designated a "C" school or
97 school district; a school or school district that has earned an
98 "Academic Watch" rating shall be designated a "D" school or school
99 district; a school or school district that has earned a
100 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
101 be designated an "F" school or school district. Effective with
102 the implementation of any new curriculum and assessment standards,
103 the State Board of Education, acting through the State Department
104 of Education, is further authorized and directed to change the
105 school and school district accreditation rating system to a simple
106 "A," "B," "C," "D," and "F" designation based on a combination of
107 student achievement scores and student growth as measured by the
108 statewide testing programs developed by the State Board of
109 Education pursuant to Chapter 16, Title 37, Mississippi Code of
110 1972. In any statute or regulation containing the former
111 accreditation designations, the new designations shall be
112 applicable;

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



115 (i) The State Board of Education may, based on a
116 written request that contains specific reasons for requesting a
117 waiver from the school districts affected by Hurricane Katrina of
118 2005, hold harmless school districts from assignment of district
119 and school level accountability ratings for the 2005-2006 school
120 year. The State Board of Education upon finding an extreme
121 hardship in the school district may grant the request. It is the
122 intent of the Legislature that all school districts maintain the
123 highest possible academic standards and instructional programs in
124 all schools as required by law and the State Board of Education.

125 * * *

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

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

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

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



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

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

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

148 (ii) Individual student growth: the percent of
149 students making one (1) year's progress in one (1) year's time on
150 the state assessment, with an emphasis on the progress of the
151 lowest twenty-five percent (25%) of students in the school or
152 district;

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

156 (iv) Categories shall identify schools as Reward
157 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
158 at least five percent (5%) of schools in the state are not graded
159 as "F" schools, the lowest five percent (5%) of school grade point
160 designees will be identified as Priority schools. If at least ten
161 percent (10%) of schools in the state are not graded as "D"
162 schools, the lowest ten percent (10%) of school grade point
163 designees will be identified as Focus schools;



164 (v) The State Department of Education shall
165 discontinue the use of Star School, High-Performing, Successful,
166 Academic Watch, Low-Performing, At-Risk of Failing and Failing
167 school accountability designations;

168 (vi) The system shall include the federally
169 compliant four-year graduation rate in school and school district
170 accountability system calculations. Graduation rate will apply to
171 high school and school district accountability ratings as a
172 compensatory component. The system shall discontinue the use of
173 the High School Completer Index (HSCI);

174 (vii) The school and school district
175 accountability system shall incorporate a standards-based growth
176 model, in order to support improvement of individual student
177 learning;

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

180 (ix) The State Department of Education shall
181 determine feeder patterns of schools that do not earn a school
182 grade because the grades and subjects taught at the school do not
183 have statewide standardized assessments needed to calculate a
184 school grade. Upon determination of the feeder pattern, the
185 department shall notify schools and school districts prior to the
186 release of the school grades beginning in 2013. Feeder schools
187 will be assigned the accountability designation of the school to
188 which they provide students;



189 (x) Standards for student, school and school
190 district performance will be increased when student proficiency is
191 at a seventy-five percent (75%) and/or when sixty-five percent
192 (65%) of the schools and/or school districts are earning a grade
193 of "B" or higher, in order to raise the standard on performance
194 after targets are met.

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

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

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

208 (* * *9) Deleted.

209 (* * *10) The State Board of Education shall establish, for
210 those school districts failing to meet accreditation standards, a
211 program of development to be complied with in order to receive
212 state funds, except as otherwise provided in subsection (* * *15)
213 of this section when the Governor has declared a state of



214 emergency in a school district or as otherwise provided in Section
215 206, Mississippi Constitution of 1890. The state board, in
216 establishing these standards, shall provide for notice to schools
217 and sufficient time and aid to enable schools to attempt to meet
218 these standards, unless procedures under subsection (* * *15) of
219 this section have been invoked.

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

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

226 (b) Notify any applicable school district failing to
227 meet accreditation standards that it is on probation until
228 corrective actions are taken or until the deficiencies have been
229 removed. The local school district shall develop a corrective
230 action plan to improve its deficiencies. For district academic
231 deficiencies, the corrective action plan for each such school
232 district shall be based upon a complete analysis of the following:
233 student test data, student grades, student attendance reports,
234 student dropout data, existence and other relevant data. The
235 corrective action plan shall describe the specific measures to be
236 taken by the particular school district and school to improve:
237 (i) instruction; (ii) curriculum; (iii) professional development;
238 (iv) personnel and classroom organization; (v) student incentives



239 for performance; (vi) process deficiencies; and (vii) reporting to
240 the local school board, parents and the community. The corrective
241 action plan shall describe the specific individuals responsible
242 for implementing each component of the recommendation and how each
243 will be evaluated. All corrective action plans shall be provided
244 to the State Board of Education as may be required. The decision
245 of the State Board of Education establishing the probationary
246 period of time shall be final;

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

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



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

274 (* * * 12) (a) If the recommendations for corrective action
275 are not taken by the local school district or if the deficiencies
276 are not removed by the end of the probationary period, the
277 Commission on School Accreditation shall conduct a hearing to
278 allow the affected school district to present evidence or other
279 reasons why its accreditation should not be withdrawn.
280 Additionally, if the local school district violates accreditation
281 standards that have been determined by the policies and procedures
282 of the State Board of Education to be a basis for withdrawal of
283 school district's accreditation without a probationary period, the
284 Commission on School Accreditation shall conduct a hearing to
285 allow the affected school district to present evidence or other
286 reasons why its accreditation should not be withdrawn. After its
287 consideration of the results of the hearing, the Commission on



288 School Accreditation shall be authorized, with the approval of the
289 State Board of Education, to withdraw the accreditation of a
290 public school district, and issue a request to the Governor that a
291 state of emergency be declared in that district.

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

311 (c) Whenever the Governor declares a state of emergency
312 in a school district in response to a request made under paragraph



313 (a) or (b) of this subsection, the State Board of Education may
314 take one or more of the following actions:

315 (i) Declare a state of emergency, under which some
316 or all of state funds can be escrowed except as otherwise provided
317 in Section 206, Constitution of 1890, until the board determines
318 corrective actions are being taken or the deficiencies have been
319 removed, or that the needs of students warrant the release of
320 funds. The funds may be released from escrow for any program
321 which the board determines to have been restored to standard even
322 though the state of emergency may not as yet be terminated for the
323 district as a whole;

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

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

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



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

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

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

361 (d) At the time that satisfactory corrective action has
362 been taken in a school district in which a state of emergency has



363 been declared, the State Board of Education may request the
364 Governor to declare that the state of emergency no longer exists
365 in the district.

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

382 (f) Upon the declaration of a state of emergency for
383 any school district in which the Governor has previously declared
384 a state of emergency, the State Board of Education may either (i)
385 establish a conservatorship or (ii) abolish the school district
386 and administratively consolidate the school district with one or
387 more existing school districts or (iii) reduce the size of the



388 district and administratively consolidate parts of the district,
389 as determined by the State Board of Education; provided, however,
390 that no school district which is not under conservatorship shall
391 be required to accept additional territory over the objection of
392 the district.

393 (g) There is established a Mississippi Recovery School
394 District within the State Department of Education under the
395 supervision of a deputy superintendent appointed by the State
396 Superintendent of Public Education, who is subject to the approval
397 by the State Board of Education. The Mississippi Recovery School
398 District shall provide leadership and oversight of all school
399 districts that are subject to state conservatorship, as defined in
400 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall
401 have all the authority granted under these two (2) chapters. The
402 Mississippi Department of Education, with the approval of the
403 State Board of Education, shall develop policies for the operation
404 and management of the Mississippi Recovery School District. The
405 deputy state superintendent is responsible for the Mississippi
406 Recovery School District and shall be authorized to oversee the
407 administration of the Mississippi Recovery School District,
408 oversee conservators assigned by the State Board of Education to a
409 local school district, hear appeals from school districts under
410 conservatorship that would normally be filed by students, parents
411 or employees and heard by a local school board, which hearings on
412 appeal shall be conducted in a prompt and timely manner in the



413 school district from which the appeal originated in order to
414 ensure the ability of appellants, other parties and witnesses to
415 appeal without undue burden of travel costs or loss of time from
416 work, and perform other related duties as assigned by the State
417 Superintendent of Public Education. The deputy state
418 superintendent is responsible for the Mississippi Recovery School
419 District and shall determine, based on rigorous professional
420 qualifications set by the State Board of Education, the
421 appropriate individuals to be engaged to be conservators and
422 financial advisors, if applicable, of all school districts subject
423 to state conservatorship. After State Board of Education
424 approval, these individuals shall be deemed independent
425 contractors.

426 (* * *13) Upon the declaration of a state of emergency in a
427 school district under subsection (* * *12) of this section, the
428 Commission on School Accreditation shall be responsible for public
429 notice at least once a week for at least three (3) consecutive
430 weeks in a newspaper published within the jurisdiction of the
431 school district failing to meet accreditation standards, or if no
432 newspaper is published therein, then in a newspaper having a
433 general circulation therein. The size of the notice shall be no
434 smaller than one-fourth (1/4) of a standard newspaper page and
435 shall be printed in bold print. If a conservator has been
436 appointed for the school district, the notice shall begin as
437 follows: "By authority of Section 37-17-6, Mississippi Code of



438 1972, as amended, adopted by the Mississippi Legislature during
439 the 1991 Regular Session, this school district (name of school
440 district) is hereby placed under the jurisdiction of the State
441 Department of Education acting through its appointed conservator
442 (name of conservator)."

443 The notice also shall include, in the discretion of the State
444 Board of Education, any or all details relating to the school
445 district's emergency status, including the declaration of a state
446 of emergency in the school district and a description of the
447 district's impairment deficiencies, conditions of any
448 conservatorship and corrective actions recommended and being
449 taken. Public notices issued under this section shall be subject
450 to Section 13-3-31 and not contrary to other laws regarding
451 newspaper publication.

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

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



463 Nothing in this section shall be construed to grant any
464 individual, corporation, board or conservator the authority to
465 levy taxes except in accordance with presently existing statutory
466 provisions.

467 (* * *15) (a) Whenever the Governor declares a state of
468 emergency in a school district in response to a request made under
469 subsection (* * *12) of this section, the State Board of
470 Education, in its discretion, may assign an interim conservator to
471 the school district, or in its discretion, may contract with an
472 appropriate private entity with experience in the academic,
473 finance and other operational functions of schools and school
474 districts, who will be responsible for the administration,
475 management and operation of the school district, including, but
476 not limited to, the following activities:

477 (i) Approving or disapproving all financial
478 obligations of the district, including, but not limited to, the
479 employment, termination, nonrenewal and reassignment of all
480 licensed and nonlicensed personnel, contractual agreements and
481 purchase orders, and approving or disapproving all claim dockets
482 and the issuance of checks; in approving or disapproving
483 employment contracts of superintendents, assistant superintendents
484 or principals, the interim conservator shall not be required to
485 comply with the time limitations prescribed in Sections 37-9-15
486 and 37-9-105;



487 (ii) Supervising the day-to-day activities of the
488 district's staff, including reassigning the duties and
489 responsibilities of personnel in a manner which, in the
490 determination of the conservator, will best suit the needs of the
491 district;

492 (iii) Reviewing the district's total financial
493 obligations and operations and making recommendations to the
494 district for cost savings, including, but not limited to,
495 reassigning the duties and responsibilities of staff;

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

498 (v) Approving or disapproving all athletic, band
499 and other extracurricular activities and any matters related to
500 those activities;

501 (vi) Maintaining a detailed account of
502 recommendations made to the district and actions taken in response
503 to those recommendations;

504 (vii) Reporting periodically to the State Board of
505 Education on the progress or lack of progress being made in the
506 district to improve the district's impairments during the state of
507 emergency; and

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



512 Except when, in the determination of the State Board of
513 Education, the school district's impairment is related to a lack
514 of financial resources, the cost of the salary of the conservator
515 and any other actual and necessary costs related to the
516 conservatorship paid by the State Department of Education shall be
517 reimbursed by the local school district from funds other than
518 adequate education program funds. The department shall submit an
519 itemized statement to the superintendent of the local school
520 district for reimbursement purposes, and any unpaid balance may be
521 withheld from the district's adequate education program funds.

522 At the time that the Governor, in accordance with the request
523 of the State Board of Education, declares that the state of
524 emergency no longer exists in a school district, the powers and
525 responsibilities of the interim conservator assigned to the
526 district shall cease.

527 (b) In order to provide loans to school districts under
528 a state of emergency or under conservatorship that have
529 impairments related to a lack of financial resources, the School
530 District Emergency Assistance Fund is created as a special fund in
531 the State Treasury into which monies may be transferred or
532 appropriated by the Legislature from any available public
533 education funds. Funds in the School District Emergency
534 Assistance Fund up to a maximum balance of Three Million Dollars
535 (\$3,000,000.00) annually shall not lapse but shall be available
536 for expenditure in subsequent years subject to approval of the



537 State Board of Education. Any amount in the fund in excess of
538 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
539 year shall lapse into the State General Fund or the Education
540 Enhancement Fund, depending on the source of the fund.

541 The State Board of Education may loan monies from the School
542 District Emergency Assistance Fund to a school district that is
543 under a state of emergency or under conservatorship, in those
544 amounts, as determined by the board, that are necessary to correct
545 the district's impairments related to a lack of financial
546 resources. The loans shall be evidenced by an agreement between
547 the school district and the State Board of Education and shall be
548 repayable in principal, without necessity of interest, to the
549 School District Emergency Assistance Fund * * * by the school
550 district from any allowable funds that are available. The total
551 amount loaned to the district shall be due and payable within five
552 (5) years after the impairments related to a lack of financial
553 resources are corrected. If a school district fails to make
554 payments on the loan in accordance with the terms of the agreement
555 between the district and the State Board of Education, the State
556 Department of Education, in accordance with rules and regulations
557 established by the State Board of Education, may withhold that
558 district's adequate education program funds in an amount and
559 manner that will effectuate repayment consistent with the terms of
560 the agreement; the funds withheld by the department shall be
561 deposited into the School District Emergency Assistance Fund.



562 The State Board of Education shall develop a protocol that
563 will outline the performance standards and requisite time line
564 deemed necessary for extreme emergency measures. If the State
565 Board of Education determines that an extreme emergency exists,
566 simultaneous with the powers exercised in this subsection, it
567 shall take immediate action against all parties responsible for
568 the affected school districts having been determined to be in an
569 extreme emergency. The action shall include, but not be limited
570 to, initiating civil actions to recover funds and criminal actions
571 to account for criminal activity. Any funds recovered by the
572 State Auditor or the State Board of Education from the surety
573 bonds of school officials or from any civil action brought under
574 this subsection shall be applied toward the repayment of any loan
575 made to a school district hereunder.

576 (* * *16) If a majority of the membership of the school
577 board of any school district resigns from office, the State Board
578 of Education shall be authorized to assign an interim conservator,
579 who shall be responsible for the administration, management and
580 operation of the school district until the time as new board
581 members are selected or the Governor declares a state of emergency
582 in that school district under subsection (* * *12), whichever
583 occurs first. In that case, the State Board of Education, acting
584 through the interim conservator, shall have all powers which were
585 held by the previously existing school board, and may take any



586 action as prescribed in Section 37-17-13 and/or one or more of the
587 actions authorized in this section.

588 (* * *17) (a) If the Governor declares a state of
589 emergency in a school district, the State Board of Education may
590 take all such action pertaining to that school district as is
591 authorized under subsection (* * *12) or (* * *15) of Section
592 37-17-6, including the appointment of an interim conservator. The
593 State Board of Education shall also have the authority to issue a
594 written request with documentation to the Governor asking that the
595 office of the superintendent of the school district be subject to
596 recall. If the Governor declares that the office of the
597 superintendent of the school district is subject to recall, the
598 local school board or the county election commission, as the case
599 may be, shall take the following action:

600 (i) If the office of superintendent is an elected
601 office, in those years in which there is no general election, the
602 name shall be submitted by the State Board of Education to the
603 county election commission, and the county election commission
604 shall submit the question at a special election to the voters
605 eligible to vote for the office of superintendent within the
606 county, and the special election shall be held within sixty (60)
607 days from notification by the State Board of Education. The
608 ballot shall read substantially as follows:

609 "Shall County Superintendent of Education _____ (here the
610 name of the superintendent shall be inserted) of the _____



611 (here the title of the school district shall be inserted) be
612 retained in office? Yes _____ No _____"

613 If a majority of those voting on the question votes against
614 retaining the superintendent in office, a vacancy shall exist
615 which shall be filled in the manner provided by law; otherwise,
616 the superintendent shall remain in office for the term of that
617 office, and at the expiration of the term shall be eligible for
618 qualification and election to another term or terms.

619 (ii) If the office of superintendent is an
620 appointive office, the name of the superintendent shall be
621 submitted by the president of the local school board at the next
622 regular meeting of the school board for retention in office or
623 dismissal from office. If a majority of the school board voting
624 on the question vote against retaining the superintendent in
625 office, a vacancy shall exist which shall be filled as provided by
626 law, otherwise the superintendent shall remain in office for the
627 duration of his employment contract.

628 (b) The State Board of Education may issue a written
629 request with documentation to the Governor asking that the
630 membership of the school board of the school district shall be
631 subject to recall. Whenever the Governor declares that the
632 membership of the school board is subject to recall, the county
633 election commission or the local governing authorities, as the
634 case may be, shall take the following action:



635 (i) If the members of the local school board are
636 elected to office, in those years in which the specific member's
637 office is not up for election, the name of the school board member
638 shall be submitted by the State Board of Education to the county
639 election commission, and the county election commission at a
640 special election shall submit the question to the voters eligible
641 to vote for the particular member's office within the county or
642 school district, as the case may be, and the special election
643 shall be held within sixty (60) days from notification by the
644 State Board of Education. The ballot shall read substantially as
645 follows:

646 "Members of the _____ (here the title of the school
647 district shall be inserted) School Board who are not up for
648 election this year are subject to recall because of the school
649 district's failure to meet critical accountability standards as
650 defined in the letter of notification to the Governor from the
651 State Board of Education. Shall the member of the school board
652 representing this area, _____ (here the name of the school
653 board member holding the office shall be inserted), be retained in
654 office? Yes _____ No _____"

655 If a majority of those voting on the question vote against
656 retaining the member of the school board in office, a vacancy in
657 that board member's office shall exist, which shall be filled in
658 the manner provided by law; otherwise, the school board member
659 shall remain in office for the term of that office, and at the



660 expiration of the term of office, the member shall be eligible for
661 qualification and election to another term or terms of office.
662 However, if a majority of the school board members are recalled in
663 the special election, the Governor shall authorize the board of
664 supervisors of the county in which the school district is situated
665 to appoint members to fill the offices of the members recalled.
666 The board of supervisors shall make those appointments in the
667 manner provided by law for filling vacancies on the school board,
668 and the appointed members shall serve until the office is filled
669 at the next regular special election or general election.

670 (ii) If the local school board is an appointed
671 school board, the name of all school board members shall be
672 submitted as a collective board by the president of the municipal
673 or county governing authority, as the case may be, at the next
674 regular meeting of the governing authority for retention in office
675 or dismissal from office. If a majority of the governing
676 authority voting on the question vote against retaining the board
677 in office, a vacancy shall exist in each school board member's
678 office, which shall be filled as provided by law; otherwise, the
679 members of the appointed school board shall remain in office for
680 the duration of their term of appointment, and those members may
681 be reappointed.

682 (iii) If the local school board is comprised of
683 both elected and appointed members, the elected members shall be
684 subject to recall in the manner provided in subparagraph (i) of



685 this subsection, and the appointed members shall be subject to
686 recall in the manner provided in subparagraph (ii).

687 (* * *18) Beginning with the school district audits
688 conducted for the 1997-1998 fiscal year, the State Board of
689 Education, acting through the Commission on School Accreditation,
690 shall require each school district to comply with standards
691 established by the State Department of Audit for the verification
692 of fixed assets and the auditing of fixed assets records as a
693 minimum requirement for accreditation.

694 (* * *19) Before December 1, 1999, the State Board of
695 Education shall recommend a program to the Education Committees of
696 the House of Representatives and the Senate for identifying and
697 rewarding public schools that improve or are high performing. The
698 program shall be described by the board in a written report, which
699 shall include criteria and a process through which improving
700 schools and high-performing schools will be identified and
701 rewarded.

702 The State Superintendent of Public Education and the State
703 Board of Education also shall develop a comprehensive
704 accountability plan to ensure that local school boards,
705 superintendents, principals and teachers are held accountable for
706 student achievement. A written report on the accountability plan
707 shall be submitted to the Education Committees of both houses of
708 the Legislature before December 1, 1999, with any necessary
709 legislative recommendations.



710 (* * * 20) Before January 1, 2008, the State Board of
711 Education shall evaluate and submit a recommendation to the
712 Education Committees of the House of Representatives and the
713 Senate on inclusion of graduation rate and dropout rate in the
714 school level accountability system.

715 (* * * 21) If a local school district is determined as
716 failing and placed into conservatorship for reasons authorized by
717 the provisions of this section, the conservator appointed to the
718 district shall, within forty-five (45) days after being appointed,
719 present a detailed and structured corrective action plan to move
720 the local school district out of conservatorship status to the
721 local school board and local superintendent of education if they
722 have not been removed by the conservator, or if the board and
723 superintendent have been removed, to the local governing authority
724 of the municipality or county in which the school district under
725 conservatorship is located. A copy of the conservator's
726 corrective action plan shall also be filed with the State Board of
727 Education.

728 **SECTION 2.** This act shall take effect and be in force from
729 and after July 1, 2013.

