

ARTICLE 16

Assistance and Intervention

SECTION 59-18-1615. Definitions.

As used in this article:

(1) "Chronically underperforming school" means:

(a) a school that receives an overall rating of unsatisfactory for three consecutive years on its annual school report card, as provided in Section 59-18-900; or

(b) in the absence of the annual school report card, the Department of Education shall apply the same metrics as established in the state and federal combined accountability model, as defined in the Every Student Succeeds Act to identify "chronically underperforming schools".

(2) "School district" or "district" is defined pursuant to Section 59-1-160.

(3) "Turnaround plan" means a plan outlining goals for a school or district's educational improvement that includes specific strategies designed to increase student achievement and measures to evaluate the success of the implementation of the plan so that the school or district is no longer underperforming or chronically underperforming. The department is required to provide schools and districts with a template to complete the turnaround plan.

(4) "Underperforming district" means a district in which sixty-five percent or more of the schools in the district have an overall rating of unsatisfactory or below average on their annual school report cards, as provided in Section 59-18-900, or as defined in item (5).

(5) "Underperforming school" means:

(a) a school that receives an overall rating of unsatisfactory or below average on its annual school report card, as provided in Section 59-18-900; or

(b) in the absence of the annual school report card, the Department of Education shall apply the same metrics as established in the state and federal combined accountability model, as defined in the Every Students Succeed Act to identify "underperforming schools".

HISTORY: 2021 Act No. 44 (S.201), Section 1, eff July 1, 2022.

SECTION 59-18-1620. Implementation of tiered system for providing technical and other assistance, professional development, and monitoring for schools and districts; reports.

(A) The department shall implement a tiered system for providing technical and other assistance, professional development, and monitoring for schools and districts. By December thirty-first of each year, the State Superintendent of Education shall report to the General Assembly on the tiered system's progress relating to assistance provided to schools and school districts. The report shall include data documenting the impact of the assistance on student academic achievement, college and career readiness, and high school graduation rates.

(B) As a component of determining if and where assistance and changes are necessary, the department shall:

(1) monitor the professional development of teachers, staff, and administrators provided by or approved through districts and schools;

(2) monitor local school board operations for efficient and effective management; and

(3) identify and provide a summary of improvements and changes to the school districts, district school boards, and other involved parties.

HISTORY: 2021 Act No. 44 (S.201), Section 1, eff July 1, 2022.

SECTION 59-18-1625. Designation as an underperforming school or district; notification; turnaround plan; revised strategic plan.

(A) Upon a school's or district's designation as an underperforming school or district, the department shall immediately place the school or district into a tiered status to provide technical assistance. The department shall notify the underperforming school or district and the district superintendent of the tiered status.

(B)(1) Upon receiving notification from the department, the district superintendent, in consultation with school and community stakeholders, must review and revise the school and district's strategic plan with the assistance of the School Improvement Council, as established in Section 59-20-60, to include a turnaround plan component for any underperforming school or district.

(2) The turnaround plan component of the revised strategic plan must:

(a) be based on data or needs assessments to identify specific improvement strategies related to underperforming school turnaround;

(b) include, at a minimum, specific and measurable goals, actions, activities, resource needs, student achievement goals, professional development plans, and academic interventions that are reasonable and necessary to improve student progress toward achieving the Profile of the Graduate for each school;

(c) include broad-based community input including, but not limited to, input from parents, teachers, principals, local school board members, businesses, community leaders, health providers, social services agencies, school improvement councils, or early childhood providers; and

(d) be submitted by the district superintendent to the local board of trustees for approval.

(C) Upon approval by the local board of trustees, the turnaround plan component of the revised strategic plan must be submitted to the department for review and approval. Thereafter, the district superintendent and the local board of trustees annually shall submit updates to the department regarding the implementation of the turnaround and revised strategic plan, including metrics assessing the impact of the activities included in the plan.

(D) Once approved by the department, the revised strategic plan must be prominently posted on the respective websites of the department, district, and school. The department shall monitor the district's implementation of the revised strategic plan and evaluation of students' academic progress, as provided for in the plan, and shall apprise the State Board of Education of the district's progress once a quarter.

(E) For a school receiving an underperforming rating, the district and local board of trustees must work with the school principal to inform the parents of students of the rating. The notification must outline the steps in the revised strategic plan to improve performance, including the support that the local district board of trustees has agreed to give the plan.

HISTORY: 2021 Act No. 44 (S.201), Section 1, eff July 1, 2022.

SECTION 59-18-1630. Schools receiving overall unsatisfactory rating.

Upon the release of the annual report card issued pursuant to Section 59-18-900, the department shall notify the appropriate legislative delegation of any school receiving an overall unsatisfactory rating. The local school board and district superintendent with jurisdiction over the unsatisfactory school shall:

(1) notify parents of students in writing and electronically;

(2) schedule, prominently publicize, and hold a public meeting to explain the school's rating, its implications, how it must develop and implement a revised strategic plan for improvement, and how it will involve and engage the community in its plans, within thirty days of receiving the rating;

(3) immediately review and revise its strategic plan, which must incorporate and focus on turnaround plan components for each school designated as unsatisfactory in accordance with the template and guidelines provided by the department; and

(4) upon department approval, immediately list the revised strategic plan as a topic on the local district board meeting agenda at least once a quarter.

HISTORY: 2021 Act No. 44 (S.201), Section 1, eff July 1, 2022.

SECTION 59-18-1635. State-of-education emergency declarations for schools.

(A) The State Superintendent of Education may seek a state-of-education emergency declaration for a school that he has the capacity to serve under the following circumstances:

- (1) the school is chronically underperforming;
- (2) the school's accreditation is denied; or
- (3) the State Superintendent of Education determines that a school's turnaround plan results are insufficient.

(B) If the State Superintendent of Education determines that a school state-of-education emergency declaration is justified, then he must request that the State Board of Education meet to approve or disapprove the declaration. The State Board of Education must meet within ten days of the request to approve or disapprove the declaration.

(C) Upon the approval of a state-of-education emergency declaration, the State Superintendent of Education shall:

- (1) notify the appropriate district superintendent, local school board, and local legislative delegation and the Governor; and
- (2) assume management of the school.

(D) The local district board may, upon a majority vote, appeal the State Board of Education's approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. A request for a hearing must be made in accordance with the court's rules; provided, however, that a request for a contested case hearing for an emergency declaration does not stay the declaration.

(E) Once a school subject to subsection (C) has met annual targets identified in the revised strategic plan for sustained improvement for a minimum of three consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. Upon an affirmative vote by the State Board of Education to end the state-of-education emergency, the department, in consultation with the district and local board of trustees, shall develop a transition plan and timeline for returning management of the school to the district.

(F) After a school has been in a state-of-education emergency for three consecutive years, the State Superintendent of Education may extend the state-of-education emergency for an additional three-year period only upon the approval of the State Board of Education. The State Superintendent of Education may make requests every three years, which must be approved or disapproved by the board. If the State Superintendent of Education does not request additional time, or if the State Board of Education disapproves a request, then the school shall revert back to the control of the local school board.

HISTORY: 2021 Act No. 44 (S.201), Section 1, eff July 1, 2022.

SECTION 59-18-1640. State-of-education emergency declarations for districts.

(A) The State Superintendent of Education may seek a state-of-education emergency declaration for a district that he has the capacity to serve under the following circumstances:

- (1) the district is identified as underperforming for three consecutive years;
- (2) the district's accreditation is denied;
- (3) the Superintendent of Education determines that a district's turnaround plan results are insufficient; or
- (4) the district is classified as being in a fiscal emergency status pursuant to Section 59-20-90, or financial mismanagement resulting in a deficit has occurred.

(B) If the State Superintendent of Education determines that a district state-of-education emergency declaration is justified, then he must request that the State Board of Education meet to approve or disapprove the declaration and cite the circumstances justifying that the district has failed to satisfactorily address circumstances. The State Board of Education must meet within ten days of the request to approve or disapprove the declaration.

(C) Upon the approval of a state-of-education emergency, the State Superintendent of Education shall:

(1) notify the Governor and the appropriate district superintendent, local school board, and local legislative delegation; and

(2) assume management of the district and all schools in the district.

(D) The local district board may, upon a majority vote, appeal the State Board of Education's approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. A request for a hearing must be made in accordance with the court's rules; provided, however, that a request for a contested case hearing for an emergency declaration does not stay the declaration.

(E)(1) The local district board of trustees shall be dissolved upon the State Board of Education's approval of the state-of-education emergency declaration and upon the expiration of the ten-business-day appeal window as provided in subsection (D).

(2)(a) Once a district subject to subsection (C) has met annual targets identified in the district's revised strategic plan for sustained improvement for a minimum of three consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. The State Board of Education shall approve that an interim local district board of trustees be appointed. The interim local district board of trustees shall consist of five members appointed in the following manner with a chairman elected by the appointees:

(i) one member appointed by the Governor;

(ii) one member appointed by the local legislative delegation; and

(iii) three members appointed by the State Superintendent of Education in consultation with the local legislative delegation.

(b) All appointees must be residents of the school district for which the interim appointments are being made. In making appointments to the interim local district board of trustees, the appointing authority shall consider knowledge and experience in the field of education and also shall take into account race, gender, and other demographic factors, such as residence in a rural or urban area, so as to represent, to the greatest extent possible, all segments of the population of the affected district. However, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. The members of the interim local district board of trustees shall represent the educational needs of the district.

(c) The interim local district board shall be appointed to begin serving within forty-five days of the State Board of Education's approval of the appointments of the interim local district board and shall serve for a minimum of three years.

(d) Any vacancy shall be filled in the original manner of appointment.

(3) For a minimum of three years and until the State Board of Education votes to end the state-of-education emergency, the interim local district board shall remain in place, and its appointed members shall continue to serve.

(F)(1) Upon an affirmative vote by the State Board of Education to end the state-of-education emergency, the department, in consultation with the district and interim board, shall develop a transition plan and timeline for returning management of the district to a local board of trustees. Beginning with the next regularly scheduled election, members for the local district board of trustees will be elected or appointed pursuant to statutory requirements.

(2) Upon the swearing in of a new local district board of trustees, the declaration of a state-of-education emergency shall expire, and the powers and duties of the district superintendent and local district school board of trustees are restored.

(G) Notwithstanding any other provision of law, a district in a state-of-education emergency pursuant to this section shall have its fiscal authority relating to taxing authority and levying millage transferred to its county council until the state-of-education emergency is lifted. The county council may not exceed millage limitations established pursuant to Section 6-1-320 or otherwise established prior to the state-of-education emergency declaration.

HISTORY: 2021 Act No. 44 (S.201), Section 1, eff July 1, 2022.