

By: Representative Busby

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 989

1 AN ACT TO CREATE THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT
2 FOR THE PURPOSE OF IMPROVING CERTAIN FAILING PUBLIC SCHOOLS
3 THROUGHOUT THE STATE; TO PROVIDE THAT THE MISSISSIPPI ACHIEVEMENT
4 SCHOOL DISTRICT SHALL BE A STATEWIDE DISTRICT COMPRISED OF ALL
5 PUBLIC SCHOOLS DISTRICTS THAT HAVE BEEN ASSIGNED AN "F" RATING OR
6 CHRONICALLY UNDERPERFORMING UNDER THE STATE ACCREDITATION SYSTEM
7 FOR TWO CONSECUTIVE SCHOOL YEARS; TO PROVIDE FOR THE APPOINTMENT
8 OF A SCHOOL BOARD FOR THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT
9 WHICH SHALL EXERCISE, SUBJECT TO EXCEPTIONS, THE SAME POWERS AND
10 DUTIES GRANTED TO ALL OTHER SCHOOL BOARDS; TO REQUIRE THE BOARD TO
11 OBTAIN OFFICE SPACE FOR THE DISTRICT AND TO APPOINT A HIGHLY
12 QUALIFIED INDIVIDUAL TO SERVE AS SCHOOL DISTRICT SUPERINTENDENT;
13 TO REQUIRE THE STATE BOARD OF EDUCATION AND THE SCHOOL BOARD OF
14 THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT, ACTING JOINTLY, TO
15 ADOPT RULES AND REGULATIONS GOVERNING THE TRANSFER OF SCHOOL
16 DISTRICTS FROM THE LOCAL SCHOOL DISTRICT TO THE ACHIEVEMENT SCHOOL
17 DISTRICT; TO SPECIFY THAT SCHOOL DISTRICTS ASSIGNED AN "F"
18 DESIGNATION FOR THE SECOND CONSECUTIVE YEAR IN THE 2017-2018
19 SCHOOL YEAR MUST BE ABSORBED IMMEDIATELY BY THE ACHIEVEMENT SCHOOL
20 DISTRICT UNLESS THE ACHIEVEMENT SCHOOL DISTRICT DETERMINES THAT A
21 GRADUAL TRANSFER OF CONTROL, COMPLETE BEFORE THE 2017-2018 SCHOOL
22 YEAR BEGINS, IS IN THE SCHOOL DISTRICT'S BEST INTEREST; TO REQUIRE
23 SCHOOL DISTRICTS BEING ABSORBED TO COOPERATE WITH THE MISSISSIPPI
24 ACHIEVEMENT SCHOOL DISTRICT AND THE STATE BOARD OF EDUCATION IN
25 THE SCHOOL DISTRICT'S TRANSFER; TO PROVIDE FOR THE SUBSEQUENT
26 RETURN OF A SCHOOL DISTRICT TO LOCAL SCHOOL DISTRICT CONTROL BY
27 THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT SUBJECT TO CERTAIN
28 CONDITIONS BEING MET; TO REQUIRE THE SUPERINTENDENT OF THE
29 MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT TO RECOMMEND HIGHLY
30 QUALIFIED PERSONS FOR EMPLOYMENT AT A SCHOOL DISTRICT AND TO
31 AUTHORIZE THE CONTINUED EMPLOYMENT, IN THE STATE BOARD'S
32 DISCRETION, OF PERSONNEL EMPLOYED AT A SCHOOL THAT IS BEING
33 ABSORBED; TO AUTHORIZE THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT
34 TO USE THE PERSONAL AND REAL PROPERTY OF A SCHOOL DISTRICT THAT IS



35 ABSORBED, SUBJECT TO RULES AND REGULATIONS ADOPTED JOINTLY BY THE
36 STATE BOARD OF EDUCATION AND THE SCHOOL BOARD OF THE ACHIEVEMENT
37 SCHOOL DISTRICT; TO PROVIDE FOR STATE AND LOCAL FUNDING OF SCHOOLS
38 IN THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT; AND FOR RELATED
39 PURPOSES.

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

41 **SECTION 1.** (1) There is created the Mississippi Achievement
42 School District for the purpose of transforming persistently
43 failing public schools throughout the state into quality
44 educational institutions. The Mississippi Achievement School
45 District shall be a statewide school district, separate and
46 distinct from all other school districts but not confined to any
47 specified geographic boundaries, and shall be comprised of all
48 public school districts in the state which, during two (2)
49 consecutive school years, are designated an "F" school by the
50 State Board of Education under the accreditation rating system or
51 which have been persistently failing and chronically under
52 performing.

53 (2) The Mississippi Achievement School District shall be
54 governed by a school board consisting of nine (9) members, to be
55 appointed as follows:

56 (a) Three (3) members appointed by the Governor;

57 (b) Three (3) members appointed by the Lieutenant
58 Governor; and

59 (c) One (1) member appointed by the State
60 Superintendent of Public Education.

61 In order to provide for staggered terms of office, of the
62 board members initially appointed by the Governor, one (1) member



63 shall be appointed for a term of one (1) year, one (1) member
64 shall be appointed for a term of two (2) years, one (1) member
65 shall be appointed for a term of three (3) years and two (2)
66 members shall be appointed for a term of (4) years. Of the board
67 members initially appointed by the Lieutenant Governor, one (1)
68 member shall be appointed for a term of one (1) year, one (1)
69 member shall be appointed for a term of two (2) years, one (1)
70 member shall be appointed for a term of three (3) years and one
71 (1) member shall be appointed for a term of (4) years. Initial
72 appointments to the school board must be made no later than thirty
73 (30) days after the effective date of this act. Upon the
74 expiration of the initial terms of office, the term of office of
75 each member appointed to the school board shall be four (4) years.

76 In making the appointments, the Governor and Lieutenant
77 Governor shall ensure diversity among the board members and
78 representation from the different geographical regions of the
79 state, with particular emphasis given to those areas in which
80 there are schools that are in the Mississippi Achievement School
81 District. The Governor and Lieutenant Governor, in their
82 discretion, may solicit nominations for membership on the school
83 board to aid in the appointment process. A vacancy occurring on
84 the board must be filled for the balance of the term in the same
85 manner as the original appointment.

86 (3) (a) Except as otherwise provided in this subsection,
87 the school board of the Mississippi Achievement School District



88 shall exercise those powers and duties granted or prescribed by
89 law to the school boards of all school districts in the state.

90 (b) Notwithstanding any other provision of law to the
91 contrary, the school board of the Mississippi Achievement School
92 District may not:

93 (i) Levy taxes for the general support of the
94 school district; or

95 (ii) Borrow money, whether by issuing bonds,
96 notes, certificates of indebtedness or otherwise, if the repayment
97 of the principal and interest on the borrowed money requires the
98 levy of a special tax.

99 (c) The school board of the Mississippi Achievement
100 School District shall obtain suitable office space to serve as the
101 administrative office of the school district. Meetings of the
102 school board may be held at the administrative office; however,
103 the school board is encouraged to schedule regular or special
104 meetings of the board in accordance with Section 37-6-11 at
105 various schools in the Mississippi Achievement School District in
106 different regions of the state.

107 (4) The school board of the Mississippi Achievement School
108 District shall select an individual to serve as superintendent of
109 the Mississippi Achievement School District. In addition to those
110 qualifications prescribed for superintendents under Section
111 37-9-13, the superintendent must be deemed by the board to be
112 highly qualified, as demonstrated by a proven record of success in



113 education administration. The superintendent of the Mississippi
114 Achievement School District shall exercise the same powers and
115 duties prescribed by law for all other school district
116 superintendents.

117 (5) (a) Each public school district in the state which,
118 during each of two (2) consecutive school years, receives an "F"
119 designation by the State Board of Education under the
120 accreditation rating system or which have been persistently
121 failing or chronically underperforming may be absorbed into and
122 become a part of the Mississippi Achievement School District.
123 Upon being absorbed into the Mississippi Achievement School
124 District, the local school board shall be abolished and the office
125 of superintendent terminated and the transfer of the school's
126 governance from the local school district to the Mississippi
127 Achievement School District shall be immediate upon the school
128 being designated an "F" or persistently failing or chronically
129 underperforming school unless, in the sole determination of the
130 Mississippi Achievement School District, the transition may be
131 more smoothly accomplished through a gradual transfer of control.
132 If the Mississippi Achievement School District elects not to
133 assume complete control of a school district immediately after
134 that school district receives an "F" designation or which have
135 been persistently failing or chronically underperforming, the
136 school board of the Mississippi Achievement School District shall
137 prescribe the process and timetable by which the school district



138 shall be absorbed; however, in no event may the transfer of the
139 school district to the Mississippi Achievement School District be
140 completed later than the beginning of the school year next
141 succeeding the year during which the school district receives the
142 "F" designation.

143 (b) The State Board of Education and the school board
144 of the Mississippi Achievement School District, acting jointly,
145 shall adopt rules and regulations governing the absorption of
146 school districts by the Mississippi Achievement School District.

147 (c) Designations assigned to school districts under the
148 accreditation rating system by the State Board of Education before
149 the 2015-2016 school year may not be considered in determining
150 whether a particular school district is subject to being absorbed
151 by the Mississippi Achievement School District. During the
152 2017-2018 school year, any school district receiving an "F"
153 designation after also being designated an "F" school district in
154 the 2015-2016 and 2016-2017 school years may be absorbed
155 immediately by the Mississippi Achievement School District.

156 (d) A "F" school district that is being absorbed must
157 cooperate fully with the Mississippi Achievement School District
158 and the State Board of Education in order to provide as smooth a
159 transition as possible in the school districts governance and
160 operations for the students enrolled in the school district. Upon
161 completion of the transfer of a local school district to the
162 Mississippi Achievement School District, the school district shall



163 be governed by the rules, regulations, policies and procedures
164 established by the school board of the Mississippi Achievement
165 School District, and the school district shall no longer be under
166 the purview of the school board of the local school district which
167 shall be abolished as provided under paragraph (a) of this
168 subsection. However, for purposes of providing an accurate
169 accountability evaluation, any school district absorbed into the
170 Mississippi Achievement School District shall have its
171 accountability rating under the state accountability model
172 included in the overall evaluation of accountability in the
173 Mississippi Achievement School District for grading assignments.

174 (e) A school district that is absorbed into the
175 Mississippi Achievement School District which, in a subsequent
176 school year or school years is assigned a designation higher than
177 "F", must continue to be a part of the Mississippi Achievement
178 School District, notwithstanding the school's improved
179 accreditation rating, unless the school board of the Mississippi
180 Achievement School District determines that it is in the best
181 interest of that school district that it be returned to the
182 control of the local school district.

183 (f) Upon attaining and maintaining a school district
184 accreditation rating of "C" or better under the State Department
185 of Education's accreditation rating system for five (5)
186 consecutive years, the local governing authority with jurisdiction
187 over a school district absorbed into the Mississippi Achievement



188 School District may petition the board of the Mississippi
189 Achievement School District to revert the absorbed school district
190 back to local governance. Within one hundred eighty (180) days of
191 receipt of the petition the board of the Mississippi Achievement
192 School District shall conduct a referendum to be held on the
193 premises of the administrative offices of the absorbed school
194 district's property to allow the personnel of the school district
195 and the parents and legal guardians of students enrolled in and
196 attending the school district to vote on whether or not the school
197 district should revert back to the local district. All personnel,
198 administrative, instructional, noninstructional, service, support
199 and maintenance, employed at the school district shall be allowed
200 to vote. Only one (1) vote may be cast per student enrolled in
201 and attending the school district, which such vote must be cast by
202 the student's parent or legal guardian. If a majority of the
203 parents or legal guardians of students enrolled in and attending
204 the school district and a majority of employees vote to return
205 governance to the local school district, then the school district
206 shall revert back to the local school district on the first day of
207 instruction of the scholastic year immediately following the
208 referendum.

209 (g) At such time that it is determined by the board for
210 the Mississippi Achievement School District and the State Board of
211 Education that a school district absorbed into the Mississippi
212 Achievement School District has evidenced substantial improvement



213 in performance as prescribed in paragraphs (e) and (f) of this
214 subsection are satisfied, the return of the absorbed school
215 district to local governance shall be accomplished in the manner
216 provided for certain school districts under conservatorship in
217 Section 37-17-13(3) and (4) for the selection of new members of
218 the district's board of trustees and the appointment of a new
219 superintendent of education.

220 (6) The superintendent of the Mississippi Achievement School
221 District shall recommend to the board of the Mississippi
222 Achievement School District and the State Board of Education those
223 persons to be employed as principals, teachers and
224 noninstructional personnel in school districts absorbed into the
225 Mississippi Achievement School District in the manner prescribed
226 under Chapter 9, Title 37, Mississippi Code of 1972. Only highly
227 qualified individuals having a demonstrable record of success may
228 be selected by the superintendent for such positions in the
229 Mississippi Achievement School District. The school board of the
230 Mississippi Achievement School District, in its discretion, may
231 choose to continue the employment of any person employed in an "F"
232 rated school district when the school district is absorbed into
233 the Mississippi Achievement School District; alternatively, the
234 school board of the Mississippi Achievement School District may
235 elect not to offer continued employment to a person formerly
236 employed at a school district that is absorbed into the
237 Mississippi Achievement School District.



238 (7) (a) The Mississippi Achievement School District may use
239 a school building and all facilities and property that is a part
240 of a school district and recognized as part of the facilities or
241 assets of the school district before it is absorbed into the
242 Mississippi Achievement School District. In addition, the
243 Mississippi Achievement School District shall have access to those
244 additional facilities that typically were available to that school
245 district, its students, faculty and staff before its absorption by
246 the Mississippi Achievement School District. Use of facilities by
247 a school district in the Mississippi Achievement School District
248 must be unrestricted and free of charge. However, the Mississippi
249 Achievement School District shall be responsible for providing
250 routine maintenance and repairs necessary to maintain the
251 facilities in as good a condition as when the right of use was
252 acquired by the Mississippi Achievement School District. The
253 Mississippi Achievement School District shall be responsible for
254 paying all utilities at the facilities used for the absorbed
255 school district. Any fixtures, improvements and tangible assets
256 added to a school building or facility by the Mississippi
257 Achievement School District must remain at the school building or
258 facility if the school district is returned to local governance.

259 (b) The State Board of Education and the school board
260 for the Mississippi Achievement School District shall include in
261 the rules and regulations adopted pursuant to subsection (5) of
262 this section specific provisions addressing the rights and



263 responsibilities of the Mississippi Achievement School District
264 relating to the real and personal property of a school district
265 that is absorbed into the Mississippi Achievement School District.

266 (c) The State Board of Education shall promulgate rules
267 and regulations outlining the measures of accountability and
268 performance assessments which the Mississippi Achievement School
269 District shall implement in compliance with the standards adopted
270 by the state board for districts achieving optional performance.

271 (8) (a) The Mississippi Achievement School District shall
272 certify annually to the local governing authorities of each locale
273 in which a school district absorbed into the Mississippi
274 Achievement School District school is located, the number of
275 students residing in the school district which are enrolled in
276 that school district.

277 (b) The local governing authorities in which a
278 Mississippi Achievement School District school district is located
279 shall pay directly to the Mississippi Achievement School District
280 an amount for each student enrolled in that school district equal
281 to the ad valorem tax receipts and in-lieu payments received per
282 pupil for the support of the local school district in which the
283 student resides. The pro rata ad valorem receipts and in-lieu
284 receipts to be transferred to the Mississippi Achievement School
285 District shall include all levies for the support of the local
286 school district under Sections 37-57-1 (local contribution to the
287 adequate education program) and 37-57-105 (school district



288 operational levy) and may not include any taxes levied for the
289 retirement of the local school district's bonded indebtedness or
290 short-term notes or any taxes levied for the support of
291 vocational-technical education programs. In no event may the
292 payment exceed the pro rata amount of the local ad valorem payment
293 for the local contribution to the adequate education program under
294 Section 37-57-1 for the school district in which the student
295 resides. Payments made under this section by a school district to
296 the Mississippi Achievement School District must be made before
297 the expiration of three (3) business days after the funds are
298 distributed to the local school district by the tax collector.

299 (9) (a) The State Department of Education shall make
300 payments to the Mississippi Achievement School District for each
301 student in average daily attendance at a Mississippi Achievement
302 School District school equal to the state share of the adequate
303 education program payments for each student in average daily
304 attendance at the local school district in which that school is
305 located. In calculating the local contribution for purposes of
306 determining the state share of the adequate education program
307 payments, the department shall deduct the pro rata local
308 contribution of the school district in which the student resides,
309 to be determined as provided in Section 37-151-7(2) (a).

310 (b) Payments made pursuant to this subsection by the
311 State Department of Education must be made at the same time and in
312 the same manner as adequate education program payments are made to



313 all other school districts under Sections 37-151-101 and
314 37-151-103. Amounts payable to the Mississippi Achievement School
315 District must be determined by the State Department of Education
316 in the same manner that such amounts are calculated for all other
317 school districts under the adequate education program.

318 (10) The Mississippi Achievement School District shall be
319 considered a local educational agency for the same purposes and to
320 the same extent that all other school districts in the state are
321 deemed local educational agencies under applicable federal laws.

322 (11) The Mississippi Achievement School District may receive
323 donations or grants from any public or private source, including
324 any federal funding that may be available to the school district
325 or individual schools within the Mississippi Achievement School
326 District.

327 (12) The Legislature shall appropriate sufficient funding,
328 in an amount not less than Two Hundred Fifty Thousand Dollars
329 (\$250,000.00) to the State Department of Education for the 2018
330 fiscal year for the specific purpose of funding the startup,
331 operational and any other required costs of the Mississippi
332 Achievement School District during the 2017-2018 school year,
333 which shall include the establishment of the Mississippi
334 Achievement School district school board and the employment of a
335 superintendent for the district.

336 **SECTION 2.** This act shall take effect and be in force from
337 and after its passage.

